

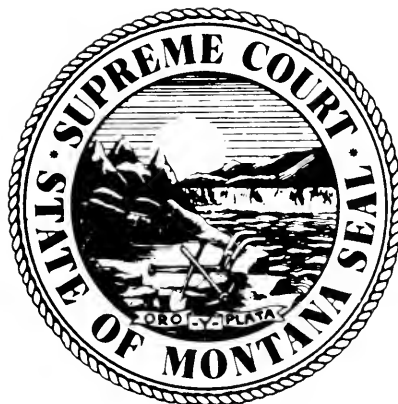
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ANNUAL REPORT OF THE  
MONTANA JUDICIAL SYSTEM  
CALENDAR YEAR 1989

J. A. TURNAGE  
CHIEF JUSTICE

A PUBLICATION OF THE  
OFFICE OF THE  
COURT ADMINISTRATOR  
ROOM 315, JUSTICE BUILDING  
215 NORTH SANDERS  
HELENA, MT 59620



THE SUPREME COURT OF MONTANA

J. A. TURNAGE  
CHIEF JUSTICE



JUSTICE BUILDING  
215 NORTH SANDERS  
HELENA, MONTANA 59620-3001  
TELEPHONE (406) 444-2621

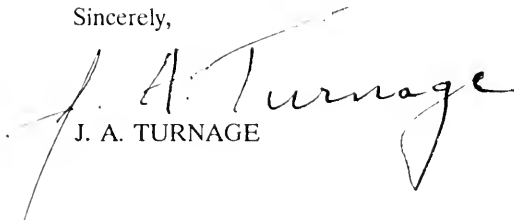
May, 1990

I am delighted that we are able to issue this Second Annual Report of the Montana Judicial System. The 1989 Report is an effort to continue to tell the story of Montana's Judicial System -- what we accomplished in 1989 and a vision of where we are going in the future.

The report is also a celebration of where we have been. I commend to each of you the material found in the Appendix which compiles a brief historical summary of former judicial officers and districts. This is a modest but sincere effort to make the 1989 Report a reflection of Montana's 1989 Centennial Year.

With pride in our past and confidence in our future, the Supreme Court offers this small publication as our part in keeping all Montanans informed about their courts.

Sincerely,

  
J. A. TURNAGE



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## PROFILE OF THE MONTANA JUDICIAL SYSTEM

### STRUCTURE OF THE COURT SYSTEM

The Judicial power of the State of Montana is vested in a three-tiered structure of appellate, general, and limited jurisdiction courts. These are represented respectively by the Supreme Court, District Courts, and Courts of Limited Jurisdiction.

In addition, legislatively created courts exist for the adjudication of special legal issues. The Workers Compensation Court and Water Court are examples of these specialty courts.

#### Selection and Removal of Judges

All Judges in Montana are elected in nonpartisan elections. Supreme Court Justices are elected for eight-year terms; District Court Judges for six-year terms; and all other judges serve four-year terms.

Vacancies in the Supreme Court and District Courts are filled by election if a term has ended and by gubernatorial appointment if a vacancy occurred during a term. However, before a vacancy can be filled by gubernatorial appointment, the Judicial Nominations Commission must first submit a list of three to five nominees to the Governor from which the Governor must make an appointment. If the Governor fails to nominate within 30 days of receiving a list of nominees from the Judicial Nominations Commission, the Chief Justice or acting Chief Justice makes the appointment. Each person nominated must be confirmed by the State Senate. If the Senate is not in session the person nominated serves until the end of the next session of the Legislature. If the nomination is not confirmed by the Senate the office is vacant and another selection and nomination is made.

A vacancy in the office of Chief Water Judge is filled by appointment of the Chief Justice from a list of nominees submitted by the Judicial Nomination Commission.

A vacancy in the office of Workers' Compensation Judge is filled by appointment of the Governor from a list of nominees submitted by the Judicial Nomination Commission.

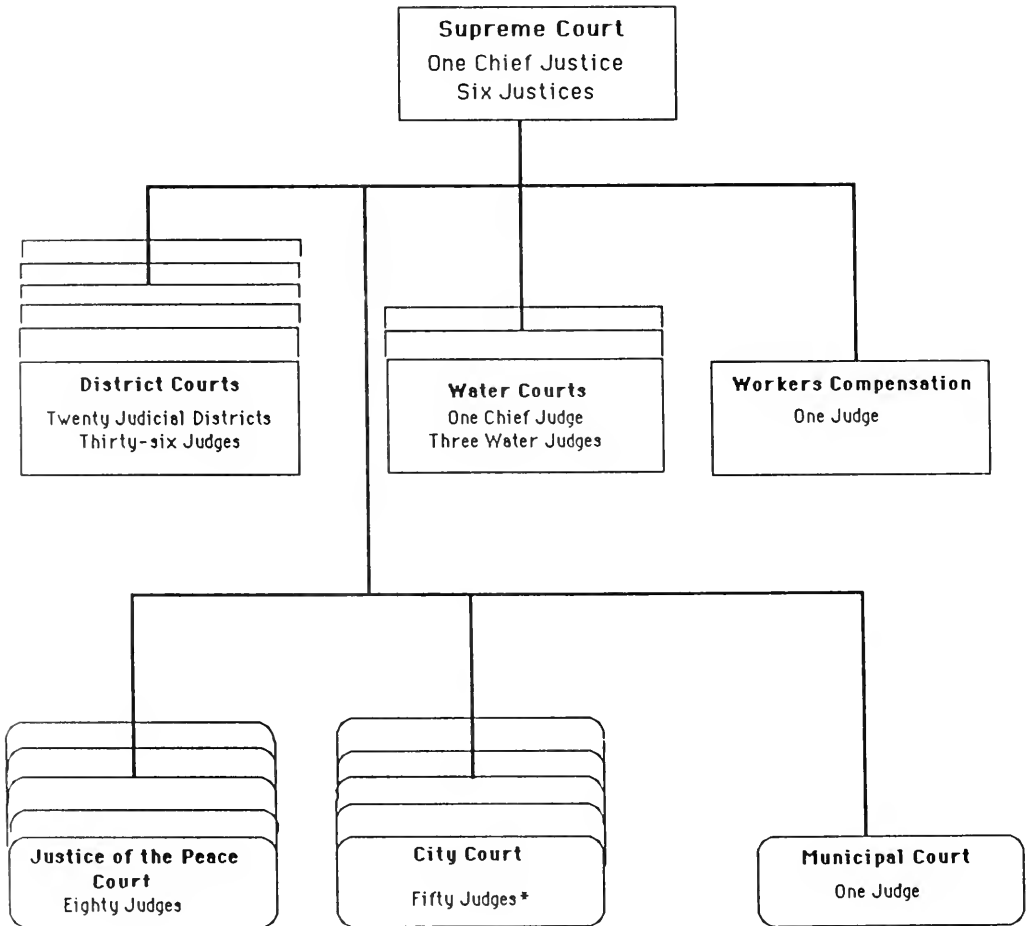
Vacancies in the office of Justice of the Peace are filled by appointment of the County Governing Body.

Vacancies in the office of City or Town Judge are filled by appointment of the City or Town Governing Body.

If a vacancy occurs in a Municipal Court, it is filled by appointment of the Municipal Governing Body.

Under the Montana Constitution the Supreme Court, upon the recommendation of the Judicial Standards Commission, may retire any justice or judge for disability that seriously interferes with the performance of his duties, or censure, suspend or remove any justice or judge for willful misconduct in office, willful and persistent failure to perform his duties, violation of the canons of judicial ethics adopted by the Supreme Court, or habitual intemperance.

# STRUCTURE OF THE MONTANA JUDICIARY



\*Thirty seven Justices of the Peace also serve as City Judges.

## THE MONTANA JUDICIARY A BRIEF HISTORY

### SUPREME COURT

The Territory of Montana was organized by an Act of Congress, approved May 26, 1864. Section 9 of the Act vested the judicial power of the State in a Supreme Court, District Courts, Probate Courts and Justice of the Peace Courts.

The first term of the Supreme Court of the Territory of Montana was held in Virginia City on May 17, 1865. Hezekiah L. Hosmer served as the first Chief Justice. Ammi Giddings was appointed Associate Judge, but resigned immediately and did not serve. Lorenzo P. Williamson and Lyman E. Munson who was appointed to replace Ammi Giddings sat as Associate Justices.

In the early Territorial period, Justices of the Supreme Court each presided over one of the territory's judicial districts. This arrangement usually meant that when a case was appealed to the Supreme Court, one of the Justices personally had tried the case at the District Court level. This system changed in 1886 when Congress provided for the appointment of a fourth Justice and provided for disqualification on appeal of a Justice who had tried a case in District Court.

In the initial years of the Court, decisions about cases were rarely given in writing. In January, 1872, the Territorial Legislature provided for written reporting of Supreme Court decisions.

The July, 1889 term of the Territorial Supreme Court was the last term held before Montana became a State on November 8, 1889. When the Territorial Supreme Court adjourned sine die on October 5, 1889 -- the Territorial period

ended and the modern era of statehood began.

Statehood brought several changes to Montana's Judicial System. During Territorial days, Justices and District Judges were appointed by the President of the United States. After 1889, Montanans turned to a system whereby they elected justices, district, and local judges and judicial officers. They hoped thereby to encourage "more prompt and accessible administration of justice". Justices, District and local judges were elected on a partisan ballot until 1909 when a brief and largely forgotten experiment in nonpartisan judicial elections was established. (Laws of 1909, Chapter 113) This law was enacted with only one opposing vote in the closing days of the 1909 session. The law prohibited partisan filings by judicial candidates and required their nomination by citizen petition. 1910 was an "off" year for judicial elections; only the Chief Justice and two District Judges were to be chosen. Chief Justice Brantly, known as a populist Republican won a third term receiving 39% of the votes in a field of four candidates.

Voters evidently missed party labels since the total vote cast in the 1910 nonpartisan contest was notably small. Fewer than half of those who voted for Clerk of the Supreme Court on the partisan ballot voted for the Chief Justice on the nonpartisan ballot. The experiment was terminated in 1911 when the Supreme Court on a complaint of a Republican candidate for Butte Police Judge held the legislation unconstitutional. The 1935 Legislature (Laws of 1935 Chapter 182) made judicial elections nonpartisan for a second time, but the effect on voter participation was not so dramatic as in the one-election experiment of 1910.

Article VIII of the 1889 Constitution established a three-member Supreme Court with members elected to six-year terms.

During the first three decades of Statehood the Supreme Court remained at three Justices but the caseload required additional resources in order to keep current. The 1903 Legislature provided for the appointment by the Supreme Court of a three member Court Commission "of legal learning and personal worth" to assist the Court -- at a salary of \$4,000 a year for Commissioners. The term of office for the Court Commission was four years, during which time the Commissioners were prohibited from engaging in the practice of law. When the 1905 Legislature failed to provide an appropriation for the salary of the Commissioners salaries, they all resigned.

The 1919 Legislature increased the membership on the Supreme Court to five members.

In 1921 the Legislature approved the second Court Commission and directed the Supreme Court to appoint "from among the duly elected, qualified and acting District Judges of the State of Montana, from any of the various counties or districts three (3) of such judges to act for such period of time as may be designated in the order appointment as Commissioners of the Supreme Court".

The Supreme Court remained at five members until the 1979 Legislature authorized two additional Justice positions to assist in handling the overburdened Court calendar.

In August 1989, Governor Stan Stephens appointed District Judge Diane Barz to replace Justice L. C. Gulbrandson who retired. Justice Barz is the first woman to serve on the Supreme Court and was the first woman District Judge in the State of Montana.



THE MONTANA SUPREME COURT

Standing left to right, Justices R. C. McDonough, John C. Harrison, John C. Sheehy, Chief Justice J. A. Turnage, Justices William E. Hunt, Sr., Diane G. Barz and Fred J. Weber.

## DISTRICT COURTS

The 1889 Constitution established eight judicial districts with one District Judge in each district elected for a four-year term. The number of judicial districts has fluctuated over the last century. The growth in the number of counties beginning in 1911 led to the creation of twenty judicial districts by 1919. The number of judicial districts shrank to 16 in 1932, expanded to 19 in 1977 and settled at the present 20 in 1984.

The number of District Court Judges has likewise grown since the beginning of Statehood. Starting with eight District Court Judges in 1889, the Legislature quickly added second judges in the State's two largest cities -- Helena and Butte -- in 1891. Today there are 36 District Court Judges.

## COURTS OF LIMITED JURISDICTION

A majority of citizens receive their first exposure to the judicial system in the Courts of Limited Jurisdiction which are the Justice of the Peace, City and Municipal Courts. The Constitution of 1889 provided for the creation of the Justice Courts, Police and Municipal Courts. The Constitution of 1972 retained the Justice of the Peace Courts as a constitutional office and deleted any reference to Police or Municipal Courts, but allows the Legislature to create other courts such as City or Municipal courts.

Judges in the Courts of Limited Jurisdiction are elected for a four year term and are required to attend two annual training sessions supervised by the Supreme Court. Failure to attend the training sessions results in disqualification of the Judge from office.

## CHANGES AFTER 1972

The adoption of a new judicial article in the 1972 Constitution did not substantially change the traditional structures of the Montana Judiciary. It did, however, make a number of modifications. For instance, terms of Supreme Court Justices were extended from six to eight years and District Court Judges terms went from four to six years. Structurally more significant, the new Constitution adopted a version of merit recruitment for judicial officers that has been described as a unique hybrid of the "Missouri Plan". While the Governor appoints judicial officers when vacancies occur, candidates can file against a judge seeking reelection or for a position that is open due to a judge not seeking reelection. After 1974, if a sitting judge is unopposed when seeking reelection, voters are given a "Yes" or "No" choice as to whether to retain the judge.

## SUPREME COURT

The Montana Supreme Court consists of one Chief Justice and six Justices. Each Justice is elected for an eight year term in a statewide nonpartisan election. Terms are staggered so that no more than two justice positions are scheduled for election at the same time. A Justice of the Supreme Court must be a citizen of the United States and have resided in Montana two years immediately before taking office and must have been admitted to practice law in Montana for at least five years prior to the date of appointment or election.

The Chief Justice of the Montana Supreme Court is elected to the position by the electorate in a statewide election. The Chief Justice is the administrative head of the Supreme Court,

presides over Court conferences, and represents the Court at official state functions. The Chief Justice presides at all oral argument sessions of the Supreme Court. In the event of the absence of the Chief Justice, the Justice having the shortest term remaining to be served presides as Acting Chief Justice.

The Montana Supreme Court is the highest court of the State of Montana. It functions both as an appellate court, (Court of Review) and as a court of original jurisdiction. The Supreme Court has original and concurrent jurisdiction over extraordinary writs. Trials are not held by the Supreme Court; oral arguments before the Court consist solely of legal arguments made by attorneys.

The Supreme Court's daily operations are guided by the Court's Internal Operating Rules, which are promulgated by the Court to facilitate the prompt and efficient handling of all matters before it. The Justices meet twice a week in Court conferences where matters presently pending before the Court are discussed. At its Tuesday conference, the Court considers pending petitions for original jurisdiction, motions which should be considered by the full Court, and other miscellaneous matters. At its Thursday conferences, the Court considers proposed opinions, petitions for rehearing, and appeal classifications.

Each appeal that comes before the Court is "classified" by a five Justice panel of the Court. The most common classifications of appeals are (1) full oral argument before the Court sitting en banc, or (2) submitted for decision, either to a panel of five-Justices or to the Court sitting en banc, solely on the briefs filed by the parties without oral argument. Once this classification is made, the case is assigned to a Justice for drafting an opinion. The Court attempts to render its decision within 120 days of submission.

The Supreme Court calendar is divided into "terms". Four such terms must be held each year at the seat of government, commencing on the first Tuesday of March, June, October and December. The Court generally sets an oral argument calendar for each month of the year except July and August.

The Supreme Court has broad constitutionally-based administrative authority over the Bench and Bar. The Court has supervisory control over all state courts and the responsibility to ensure the efficient and effective operation of the judicial system. The Court has general authority to adopt rules of practice and procedure (subject to disapproval by the Legislature), to maintain high standards of judicial conduct, and to regulate admission to the practice of law and the conduct of members of the legal profession.

The Court fulfills its administrative responsibilities with the assistance of various court officers and advisory boards and commissions. These are explained in detail in another section of this report.

Current members of the Supreme Court are:

**JEAN A. TURNAGE** - Chief Justice. Born in St. Ignatius, Montana, March 10, 1926. Served in the U. S. Air Corps from 1944-1946. Received his law degree from the University of Montana in 1951. Elected County Attorney, Lake County in 1953 and was reelected to the office four times. Elected to the Montana House of Representatives in 1962 and the Montana State Senate in 1964 and served continuously until he assumed the office of Chief Justice on January 7, 1985. His wife's name is Eula Mae and they are the parents of two grown children.

**DIANE G. BARZ** - Justice. Born August 18, 1943 in Bozeman, Montana. Received a B.A. from Whitworth College in 1965 and J.D. from

the University of Montana in 1968. Engaged in the general practice of law and served as Deputy County Attorney, Public Defender and Public Administrator in Yellowstone County. Elected District Judge in 1978 in the 13th Judicial District and served in that capacity until her appointment as Justice of the Supreme Court in September, 1989. Justice Barz is the first woman to sit as a District Judge and as a member of the Supreme Court in the State of Montana. Married Daniel J. Barz and they are the parents of one son.

**JOHN CONWAY HARRISON** - Justice. Born April 28, 1913 in Grand Rapids, Minn. Came to Montana in 1928. Served in the U. S. Army from 1940 to 1946. Received his law degree from George Washington University in 1940. Served as County Attorney in Lewis and Clark County from 1954 to 1960. Elected to the Montana Supreme Court in 1960. Justice Harrison has served longer on the Supreme Court than any other Justice in Montana history. He and his wife Virginia, who died in 1984, were the parents of 3 sons and 3 daughters. He married Ethel Harrison in 1987.

**WILLIAM E. HUNT, SR.** - Justice. Born in Tacoma, Washington. Came to Montana in 1945. Received his law degree from the University of Montana in 1955. Engaged in the general practice of law and served as Deputy County Attorney in Hill County and as County Attorney in Liberty County for ten years. Director of Montana Aeronautics Commission, 1970-1975; Was the first State Worker's Compensation Judge, 1975-1981. Elected to the Montana Supreme Court 1984. His wife's name is Mary and they are the parents of five children.

**R. C. McDONOUGH** - Justice. Born December 7, 1924 in Glendive, Montana. Received his law degree from George Washington University in 1949. McDonough served as Glendive City

Attorney and Dawson County Attorney and was a delegate to the 1972 Constitutional Convention. Elected District Judge in the Seventh Judicial District in 1982 and served until his appointment to the Supreme Court in May, 1987. His wife's name is Dora and they are the parents of 6 children.

**JOHN C. SHEEHY** - Justice. Born January 27, 1918 in Butte, Montana. Received his LL.B from the University of Montana in 1943. Served as a member of the House of Representatives in 1959 and 1965 and was a member of the Montana State Senate, 1969-1971. Appointed to the Supreme Court on April 12, 1978 and has served continually since that time. His wife's name is Rita and they are the parents of eleven children.

**FRED J. WEBER** - Justice. Born in Deer Lodge, Montana in 1919. Received B.A. and J.D. degrees from the University of Montana. Served in the infantry in World War II. Engaged in the private practice of law in Havre from 1947 until his election to the Supreme Court. Elected to the Montana Supreme Court in 1980. His wife's name is Phyllis and they are the parents of one daughter and three sons.

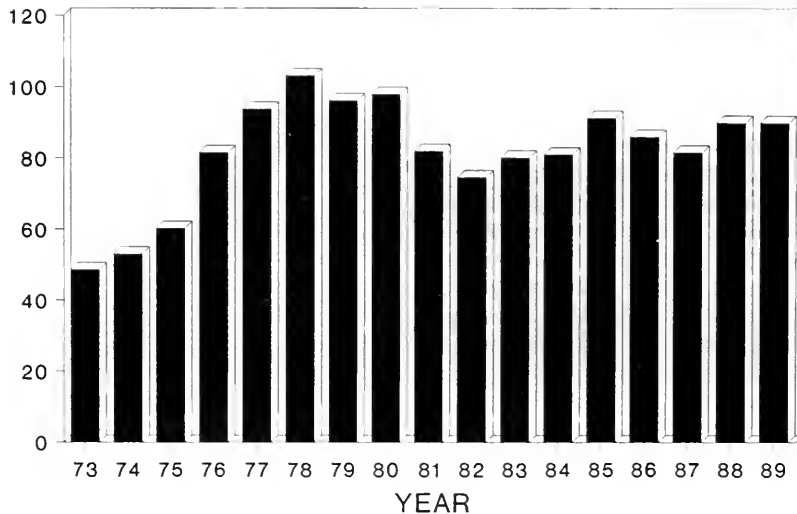


**JUSTICE JOHN C. HARRISON**

Elected to the Montana Supreme Court in 1960, Justice Harrison is the longest serving member of the Supreme Court to date.

SUPREME COURT CASELOAD			
	1988	1989	Percent Difference
New Filings	628	633	+ .8%
Civil	467	471	+ .9%
Criminal	161	161	+ .6%
Filings Carried over from Previous Calendar Year	361	334	- 7.5%
Civil	276	261	- 5.4%
Criminal	85	73	-14.1%
Total Cases Docketed	989	967	- 2.2%
Civil	743	732	- 1.5%
Criminal	246	235	- 4.5%
Dispositions	655	618	- 5.6%
Civil	482	477	- 1.0%
Criminal	173	141	-18.5%
Cases Pending as of December 31	334	349	+ 4.5%
Civil	261	255	- 2.3%
Criminal	73	94	+28.8%

## MONTANA SUPREME COURT CASE FILINGS PER JUDGE 1973 - 1989





## DISTRICT COURTS

There is a District Court in each of Montana's fifty-six counties. District Courts are Montana's Courts of General Jurisdiction. Montana District Courts exercise original and exclusive jurisdiction over all felonies, original jurisdiction over all cases in law and equity, and the power to issue such writs as are appropriate to their jurisdiction.

Appeals from Courts of Limited Jurisdiction to District Courts must be trials "de novo", which is a completely new trial held as if the original trial had never taken place.

District Judges are elected for six year terms. Requirements for the office of District Judge are United States citizenship, residency of the State for two years and being admitted to the practice of law in Montana for at least five years prior to the date of appointment or election. In the event of a vacancy in the office of District Judge, the Governor appoints a successor from a list of nominees submitted by the Judicial Nominations Commission.

Article VII, Section 6, grants the Legislature the authority to establish Judicial Districts and to provide for the number of Judges in each District. The Legislature may change the number and boundaries of Judicial Districts and the number of Judges in each District. Currently there are 36 District Court Judges in Montana in 20 Judicial Districts.

### JUDICIAL DISTRICT REPORTS

(Where a report was submitted, the following information is in the words of the Presiding Judge).

### 1ST JUDICIAL DISTRICT

1989

### COUNTIES IN THE DISTRICT:

Lewis and Clark and Broadwater

NO. OF JUDGES: Three

ESTIMATED 1988 POPULATION:  
50,500

AREA IN SQUARE MILES: 4,669

DENSITY PER SQUARE MILE:  
10.82

### DISTRICT JUDGES:

The Honorable Thomas Honzel  
The Honorable Jeffrey Sherlock  
The Honorable Dorothy McCarter

### CLERKS OF THE DISTRICT COURT:

Lewis and Clark Co. Clara Gilreath  
Broadwater County Nellie B. Sayer

The First Judicial District embarked into 1989 with the retirement of the Honorable Gordon R. Bennett after seventeen years of service. Honey Byrne, Court Administrator for the First Judicial District retired at the same time with thirty years of loyal service given to Lewis and Clark County.

The Honorable Jeffrey M. Sherlock was elected and sworn in replacing Judge Bennett.

During the summer, the Honorable Henry Loble resigned his position as District Judge effective September 30, due to eye problems. In October, the Honorable Dorothy McCarter was sworn in as the first woman judge to the First Judicial District.

A new year, a new century, new judges and a new outlook on computer automation is all in effect in Lewis and Clark County.

We have been selected as a pilot project for the state of Montana. The Justice of the Peace, Clerk of Court, Restitution, and District Court all have computers and are beginning the trials and tribulations of WordPerfect. From no typing for twenty plus years to computer buffs, the project has begun. We will be the guinea pigs and as we learn and iron out the edges for other judicial districts to follow.

It has been a learning year for all of us and an exciting one also.

Cases filed in the 1st Judicial District in 1989:

Criminal	237	10.34%
Civil	126	49.11%
Dom. Rel.	439	19.15%
Adoption	44	1.92%
Sanity	61	2.66%
Juvenile	181	7.89%
Probate	205	8.94%
TOTAL	2,293	

## 2ND JUDICIAL DISTRICT 1989

### COUNTIES IN THE DISTRICT:

Silver Bow

ESTIMATED 1988 POPULATION:  
33,200

AREA IN SQUARE MILES: 715

DENSITY PER SQUARE MILE:  
46.43

### DISTRICT JUDGES:

The Honorable Arnold Olsen  
The Honorable Mark P. Sullivan

### CLERK OF THE DISTRICT COURT:

Silver Bow County    Lori A. Maloney

The 2nd Judicial District is a one county, two Judge Judicial District which serves approximately 33,200 people. The Judicial District is presided over by Judge Arnold Olsen who has served since 1975 and by Judge Mark P. Sullivan who has served since 1980.

The Judicial District is the smallest Judicial District in area and covers 715 square miles, but has the highest population density with 46.43 people per square mile.

Cases filed in the 2nd Judicial District in 1989.

Criminal	120	10.49%
Civil	519	45.37%
Dom. Rel.	235	20.54%
Adoption	30	2.62%
Sanity	25	2.19%
Juvenile	53	4.63%
Probate	162	14.16%

TOTAL 1,144

3RD JUDICIAL DISTRICT  
1989

COUNTIES IN THE DISTRICT:

Deer Lodge, Granite and Powell

NO. OF JUDGES: One

ESTIMATED 1988 POPULATION:  
19,400

AREA IN SQUARE MILES: 4,809

DENSITY PER SQUARE MILE: 4.03

DISTRICT JUDGE:

The Honorable Ted L. Mizner

CLERKS OF THE DISTRICT COURT:

Deer Lodge Co.:	Theresa Sladich
Granite Co.	Beverly L. Kulaski
Powell Co.	Mary Ann McKee



Laying the cornerstone of the Montana  
State Capitol - 1899  
(Photo curtesy of the Montana Historical Society)

The Third Judicial District is comprised of Anaconda-Deer Lodge County, Powell County and Granite County. Unique to the district is the fact that both the Montana State Prison and the Warm Springs State Hospital are located within this jurisdiction. Because all of the mental health commitments from across the State are reviewed in this jurisdiction, a special courtroom has been established on the grounds of the State Hospital for twice monthly court sessions. In addition, all felony crimes committed within the prison as well as all inmate escapes from the

prison and its numerous satellite institutions are prosecuted in the Powell County District Court. Writs of habeas corpus, civil rights complaints and miscellaneous civil actions filed by prison inmates are also processed in Powell County.

Like most judicial districts in the area, budgetary problems in this district require a significant amount of administrative attention. Nonetheless, the limited court staff in each of the three counties continues to handle the substantial caseload in a friendly and efficient manner. To help alleviate court-related expenses, the Court, in cooperation with the commissioners in each of the three counties, oversees a tri-county public defender project. This project has resulted in efficient and cost effective legal representation for indigent defendants and youths.

The Youth Court and its support services continue to manage the nonprofit corporation that operates the Rock Creek Youth Camp. The Youth Camp provides youths in the district and in the surrounding area with summer-long outdoor recreational opportunities.

Friendly people, beautiful scenery and cooperative lawyers make the Third Judicial District a pleasant place to live and work.

Cases filed in the 3rd Judicial District in 1989:

Criminal	106	13.28%
Civil	235	29.45%
Dom. Rel.	153	19.17%
Adoption	12	1.50%
Sanity	89	11.15%
Juvenile	53	6.64%
Probate	150	18.80%
<b>TOTAL</b>	<b>798</b>	

#### 4TH JUDICIAL DISTRICT 1989

#### COUNTIES IN THE DISTRICT:

Mineral, Missoula and Ravalli

NO. OF JUDGES: Four

ESTIMATED 1988 POPULATION:  
107,400

AREA IN SQUARE MILES: 6,216

DENSITY PER SQUARE MILE: 17.28

#### DISTRICT JUDGES:

The Honorable Jack L. Green  
The Honorable John S. Henson  
The Honorable Douglas G. Harkin  
The Honorable Ed McLean

#### CLERKS OF THE DISTRICT COURT:

Mineral County	Audrey Peden
Missoula County	Kathleen Breuer
Ravalli County	Debbie Harmon

The Fourth Judicial District, consisting of Missoula, Ravalli and Mineral Counties, welcomed a new Judge and two Clerks of Court in 1989.

Judge Ed McLean replaced Judge James B. Wheelis upon his resignation in January, 1989. Judge McLean, former Deputy County Attorney for Missoula County, has assumed the duties of

his office with his customary diligence and no trial delays have resulted from the appointment.

Missoula County Clerk of Court, Kathleen Breuer, has significantly increased the use of computers in her office. A new and expanded phone system is in operation and 6 additional computers will be in place in the clerks and judges offices by late 1989. Child support collections are fully automated and all incoming documents are entered into the computer upon filing. This expanded use of computer technology is welcome because case filings continue to increase making case management extremely important.

Ravalli County Clerk of Court Debbie Harmon continues to supervise an effective staff and all cases are tried in a timely manner.

All District Judges' dockets are current with no delays longer than 4 months between filing of a notice of readiness for jury trial and trial date. (Non-jury trials experience a slightly longer waiting period.)

Cases filed in the 4th Judicial District in 1989:

Criminal	662	16.61%
Civil	1,739	43.64%
Dom. Rel.	1,002	25.14%
Adoption	87	2.18%
Sanity	41	1.03%
Juvenile	167	4.19%
Probate	287	7.20%
TOTAL	3,985	

5TH JUDICIAL DISTRICT  
1989

COUNTIES IN THE DISTRICT:

Beaverhead, Jefferson and Madison

NO. OF JUDGES: One

ESTIMATED 1988 POPULATION:  
22,500

AREA IN SQUARE MILES: 10,731

DENSITY PER SQUARE MILE: 2.10

DISTRICT JUDGE:

The Honorable Frank M. Davis

CLERKS OF THE DISTRICT COURT:

Beaverhead Co.	John Poundstone
Jefferson Co.	Marilyn J. Stevens
Madison Co.	Jerry R. Wing

The Fifth Judicial District is a one judge District embracing Beaverhead, Madison and Jefferson Counties. Law and motion days are scheduled for Virginia City on Tuesdays, Boulder on Wednesdays and Dillon on Thursday and Fridays. Monday is a housekeeping and decision making day.

The case load in the District averages 450 cases, allocated 42 percent from Beaverhead and 29 percent from both Madison and Jefferson.

Each year the Judge with the respective Clerks of Court schedules pending cases for status conferences. These conferences establish trial dates and pretrial discovery and motion deadlines. All civil trials in the District are scheduled for six-person juries, which with very rare exceptions have been accepted.

The Court has also implemented a program of settlement conferences, at which by stipulation of counsel the Judge presides. In the past six years every civil case so scheduled, except one, has been resolved by this procedure. The Clerks have estimated that the respective counties have saved in excess of \$100,000 in costs of trials as a result of this program and the six person jury format.

The Court is current, primarily as a result of a seven-day work week. A law clerk is needed. The Judge has occasionally had the services of a summer law student clerk, primarily out of his personal expense. The secretary serves as a paralegal in lieu of a needed clerk.

Cases filed in the 5th Judicial District in 1989:

Criminal	100	14.47%
Civil	279	40.38%
Dom. Rel.	112	16.21%
Adoption	18	2.60%
Sanity	7	1.01%
Juvenile	63	9.12%
Probate	112	16.21%
<b>TOTAL</b>	<b>691</b>	

## 6TH JUDICIAL DISTRICT

1989

### COUNTIES IN THE DISTRICT:

Park and Sweet Grass

NO. OF JUDGES: One

ESTIMATED 1988 POPULATION:  
15,500

AREA IN SQUARE MILES: 4,466

DENSITY PER SQUARE MILE: 3.47

DISTRICT JUDGE:

The Honorable Byron L. Robb

CLERKS OF THE DISTRICT COURT:

Park Co. June Little  
Sweet Grass Co. Patty Jo Henthorn

The Sixth Judicial District is a single judge district which includes Park and Sweet Grass counties, and which has an annual caseload of about 576. Judge Byron L. Robb is completing his seventh year in office, and remains committed to getting the judicial work done, rather than talking about it.

Judge Robb believes the biggest present judicial challenge in his district and the rest of the state is handling the continuous avalanche of criminal and delinquent youth cases, and the legislative

problem of where to house those persons convicted of crime and needing detention. Cases filed in the 6th Judicial District in 1989:

Criminal	70	12.57%
Civil	192	34.47%
Dom. Rel.	132	23.70%
Adoption	9	3.05%
Sanity	6	1.08%
Juvenile	57	10.23%
Probate	83	14.90%
<b>TOTAL</b>	<b>557</b>	

## 7TH JUDICIAL DISTRICT 1989

### COUNTIES IN THE DISTRICT:

Dawson, McCone, Prairie, Richland and Wibaux

NO. OF JUDGES: Two

ESTIMATED 1988 POPULATION:  
27,300

AREA IN SQUARE MILES: 9,676

DENSITY PER SQUARE MILE: 2.82

### DISTRICT JUDGES:

The Honorable Dale Cox  
The Honorable H. R. Obert

### CLERKS OF THE DISTRICT COURT:

Dawson Co.	Ardelle Adams
McCone Co.	Betty L. Robinette
Prairie Co.	Gladys Helen Young
Richland Co.	Arlene Riggs
Wibaux Co.	Roger J. Barnaby



Former Chief Justice Frank I. Haswell  
at Ground Breaking Ceremony for Justice  
Building - August 11, 1980

The Seventh Judicial District is comprised of five counties, Dawson, McCone, Prairie, Richland and Wibaux. The County Seats are Glendive, Circle, Terry, Sidney and Wibaux. The population of the District is approximately 27,300, covering 9,676 square miles.

The District is divided into two departments with the Honorable Dale Cox presiding over Department 1, Dawson, McCone, Prairie and Wibaux Counties; and the Honorable H. R. Obert presiding over Department 2, Richland County.

A substantial number of litigated cases continue in this District. Most of the litigated civil cases are those involving domestic relations with the usual issues of custody, support, maintenance and property division. Farm foreclosures seem to be ebbing. There continues to be a consistent number of personal injury and business tort cases that are litigated as well as a consistent number of criminal cases.

Cases filed in the 7th Judicial District in 1989:

Criminal	104	11.48%
Civil	333	36.75%
Dom. Rel.	165	18.21%
Adoption	32	3.53%
Sanity	68	7.51%
Juvenile	37	4.08%
Probate	167	18.43%
<b>TOTAL</b>	<b>906</b>	

## 8TH JUDICIAL DISTRICT

1989

### COUNTIES IN THE DISTRICT:

Cascade

NO. OF JUDGES: Three

ESTIMATED 1988 POPULATION:  
78,200

AREA IN SQUARE MILES: 2,661

DENSITY PER SQUARE MILE:  
29.39

### DISTRICT JUDGES:

The Honorable Joel G. Roth  
The Honorable John M. McCarvel  
The Honorable Thomas M. McKittrick

### CLERK OF THE DISTRICT COURT:

Cascade Co. Florence McGiboney

The Eighth Judicial District consists of Cascade County and is served by three District Judges: Judges Thomas McKittrick, John McCarvel, and Joel Roth.

Our Clerk of Court, Florence McGiboney, a veteran of many years who directs an able staff of deputies, recently announced her retirement for health reasons to be effective on January 1, 1990. Consequently, the County Commissioners are currently in the process of interviewing and considering the appointment of her successor.



(Flos McGiboney passed away January 8, 1990. She will be missed).

Attorneys in the judicial district are beginning to use mandatory settlement conferences more frequently. Several civil cases have settled at the conference or shortly thereafter. It appears that more frequent use of said conferences will help to unclog the congested court calendars of all three judges. One observation is that settlement conferences will probably not be productive until all pre-trial discovery has been completed.

An unusual amount of court time is taken up with hearings related to marriage dissolution and the accompanying issue of child custody, child support, and visitation. It appears that counsel make little effort to resolve those issues by negotiation but rather litigate those matters in an adversarial setting which is time consuming and in my opinion (Judge Roth) unnecessary.

A certain amount of gamesmanship still exists in the pre-trial discovery process. A lot of court time is consumed in hearing arguments on Motions to Compel which are freely filed by both Plaintiff's and Defendant's counsel.

The Youth Court adopted a Guardian ad Litem Program in 1988. There are presently five persons serving as guardian ad litem for juveniles in youth in need of care cases. They are appointed by the Youth Court Judge. They often can obtain helpful information which the social workers and attorneys do not have time to develop.

Cases filed in the 8th Judicial District in 1989:

Criminal	266	11.48%
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Civil	1,298	46.77%
Dom. Rel.	677	24.40%
Adoption	102	3.68%
Sanity	22	0.79%
Juvenile	124	4.47%
Probate	286	10.31%
<b>TOTAL</b>	<b>2,775</b>	

## 9TH JUDICIAL DISTRICT

1989

### COUNTIES IN THE DISTRICT:

Glacier, Pondera, Teton and Toole

NO. OF JUDGES: One

ESTIMATED 1988 POPULATION:  
29,000

AREA IN SQUARE MILES: 10,496

DENSITY PER SQUARE MILE: 2.76

DISTRICT JUDGE:

The Honorable Ronald D. McPhillips

CLERKS OF THE DISTRICT COURT:

Glacier Co.	Mary Phippen
Pondera Co.	Anita White Jones
Teton Co.	Karen Peebles
Toole Co.	Penny Underdahl

The Ninth Judicial District covers Glacier, Pondera, Teton and Toole Counties. The presiding judge is the Honorable Ronald D. McPhillips who has served in this capacity since 1963.

Cases filed in the 9th Judicial District in 1989:

Criminal	90	11.26%
Civil	328	41.05%
Dom. Rel.	145	18.15%
Adoption	27	3.38%
Sanity	9	1.13%
Juvenile	31	3.88%
Probate	169	21.15%
<b>TOTAL</b>	<b>799</b>	

## 10TH JUDICIAL DISTRICT

1989

### COUNTIES IN THE DISTRICT:

Fergus, Judith Basin and Petroleum

NO. OF JUDGES: One

ESTIMATED 1988 POPULATION:  
15,200

AREA IN SQUARE MILES: 7,777

DENSITY PER SQUARE MILE: 1.95

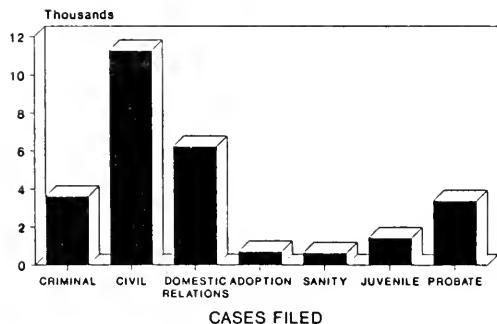
DISTRICT JUDGE:

The Honorable Peter L. Rapkoch

CLERKS OF THE DISTRICT COURT:

Fergus Co.	Greta M. Ross
Judith Basin Co.	Acelia "Ann" Leach
Petroleum Co.	Bonny L. Allen

DISTRICT COURT CASES FILED 1989  
BY CATEGORY



The Honorable Peter L. Rapkoch is the presiding judge in the 10th Judicial District. The district includes Fergus, Judith Basin and Petroleum County and covers 7,777 square miles and has an estimated population of 15,200. Judge Rapkoch has served as District Judge since 1983.

Cases filed in the 10th Judicial District in 1989:

Criminal	51	10.24%
Civil	196	39.36%

Dom. Rel.	75	15.06%
Adoption	12	2.41%
Sanity	6	1.20%
Juvenile	33	6.63%
Probate	125	25.10%
TOTAL	498	

since 1963, and Leif Erickson who has served since 1985.

Cases filed in the 11th Judicial District in 1989:

Criminal	230	13.33%
Civil	657	39.36%
Dom. Rel.	535	31.01%
Adoption	40	2.32%
Sanity	34	1.97%
Juvenile	23	1.33%
Probate	206	11.94%

TOTAL 1,725

11TH JUDICIAL DISTRICT  
1989

COUNTIES IN THE DISTRICT:

Flathead

NO. OF JUDGES: Two

ESTIMATED 1988 POPULATION:  
58,600

AREA IN SQUARE MILES: 5,137

DENSITY PER SQUARE MILE:  
11.41

DISTRICT JUDGES:

The Honorable Michael H. Keedy  
The Honorable Leif Barton Erickson

CLERK OF THE DISTRICT COURT:

Flathead Co. John Van

The Eleventh Judicial District is a two judge, one county Judicial District. The District is comprised of Flathead County. The District Judges are Michael H. Keedy who has served

12TH JUDICIAL DISTRICT  
1989

COUNTIES IN THE DISTRICT:

Chouteau, Hill and Liberty

NO. OF JUDGES: One

ESTIMATED 1988 POPULATION:  
25,700

AREA IN SQUARE MILES: 8,293

DENSITY PER SQUARE MILE: 3.10

DISTRICT JUDGE:

The Honorable John Warner

CLERKS OF THE DISTRICT COURT:

Chouteau Co. Louise V. Sagan  
Hill Co. Maryhelen Habeger  
Liberty Co. Patricia Seidlitz

During the year 1989 the District Judge and the Clerks of Court in the three counties comprising the District, Chouteau, Hill and Liberty, purchased computers. With the help of the Supreme Court Administrator's Office these computers are being readied to automate the calendaring system and to track cases through the court system.

The backlog of cases has been greatly reduced. A trial schedule has been set for almost all cases presently filed in the district.

During the year 1989, 292 civil cases, 87 criminal cases, and 160 probate cases have been filed through November.

Through the first 11 months of 1989, 7 jury trials were conducted, all in Havre. There were 316 cases, both civil and criminal, disposed of either by trial, dismissal, judgment, or other order.

In Youth Court 498 referrals have been received. This is down 25 from 1988. There were 232 first-time offenders, including 32 which were from out of the district. Nineteen formal Youth Court hearings were conducted, and 12 informal hearings were conducted where youth signed a waiver for evaluations. Nineteen youth have been placed with various agencies from this district. The District Court has collected \$1,419.20 as restitution from youth offenders. In the 12th Judicial District 53 youth have been referred to the Insight Program for drug and alcohol education.

Cases filed in the 12th Judicial District in 1989:

Criminal	105	13.39%
Civil	301	38.39%
Dom. Rel.	143	18.24%
Adoption	21	2.68%

Sanity	4	0.51%
Juvenile	42	5.36%
Probate	168	21.43%
TOTAL	784	

### 13TH JUDICIAL DISTRICT

1989

### COUNTIES IN THE DISTRICT:

Big Horn, Carbon, Stillwater and Yellowstone

NO. OF JUDGES: Five

ESTIMATED 1988 POPULATION:  
141,900

AREA IN SQUARE MILES: 11,525

DENSITY PER SQUARE MILE:  
12.31

### DISTRICT JUDGES:

The Honorable William J. Speare  
The Honorable Robert W. Holmstrom  
The Honorable G. Todd Baugh  
The Honorable Russell K. Fillner  
The Honorable Maurice R. Colberg

### CLERKS OF THE DISTRICT COURT:

Big Horn Co. Janice Heath  
Carbon Co. Gayle M. Hilderman  
Stillwater Co. Marlene Johnson  
Yellowstone Co. Charmaine R. Fisher

The Thirteenth Judicial District which includes Big Horn, Carbon, Stillwater and Yellowstone Counties is the most populous judicial district with approximately 141,900 people. The District is presided over by Judge William J. Speare, who also acts as the Chief Judge, Judge Russell K. Fillner, Judge Robert W. Holmstrom, Judge G. Todd Baugh and Judge Maurice R. Colberg. Judge Colberg was appointed to replace Judge Diane Barz who resigned to accept appointment to the Montana Supreme Court.

Cases filed in the 13th Judicial District in 1989:

Criminal	691	13.28%
Civil	2,275	43.72%
Dom. Rel.	1,229	23.62%
Adoption	101	1.94%
Sanity	169	3.25%
Juvenile	241	4.36%
Probate	498	9.57%
<b>TOTAL</b>	<b>5,204</b>	

## 14TH JUDICIAL DISTRICT 1989

### COUNTIES IN THE DISTRICT:

Golden Valley, Meagher, Musselshell and Wheatland

NO. OF JUDGES: One

ESTIMATED 1988 POPULATION:  
9,600

AREA IN SQUARE MILES: 6,837

DENSITY PER SQUARE MILE: 1.40

DISTRICT JUDGE:

The Honorable Roy C. Rodeghiero

CLERKS OF THE DISTRICT COURT:

Golden Valley Co. Aileen Mattheis  
Meagher Co. Kenneth K. Twichel  
Musselshell Co. Dona C. Robson  
Wheatland Co. Mary Helen Muggenburg

It's business as usual in the 14th Judicial District and the hustle and bustle continues.

In addition to the regular court duties, we encourage and regularly invite classes from schools to our courtroom for educational programs. These programs range from grade school mock jury trials of Goldilocks with regular attorneys and students participating to educational presentations and observations of

regular jury trials by high school students.

The 14th Judicial District is a single judge district and consists of the Counties of Musselshell, Golden Valley, Wheatland and Meagher. The district is approximately 200 miles east and west across the central part of Montana with nearly 7,000 square miles. This area is larger than many states. The distance between the two further most county seats of Roundup and White Sulphur Springs is 130 miles.

The district includes both plains and mountains in a highly agricultural and ranch based economy in addition to oil and gas, mining, lumbering and recreation. The Musselshell and Smith Rivers flow in this district. The Snowy, Belt, Castle, Crazy and Bull Mountains are found therein.

The District is sparsely populated with quality people. Much windshield time is spent in carrying out the duties of District Judge in this district. This is no doubt the best Judicial District in the State to serve as District Judge.

Cases filed in the 14th Judicial District in 1989:

Criminal	29	13.28%
Civil	100	38.31%
Dom. Rel.	40	15.33%
Adoption	9	3.45%
Sanity	6	2.30%
Juvenile	14	5.36%
Probate	63	24.14%
TOTAL	261	

## 15TH JUDICIAL DISTRICT

1989

### COUNTIES IN THE DISTRICT:

Daniels, Roosevelt and Sheridan

NO. OF JUDGES: One

ESTIMATED 1988 POPULATION:  
18,900

AREA IN SQUARE MILES: 5,501

DENSITY PER SQUARE MILE: 3.44

DISTRICT JUDGE:

The Honorable M. James Sorte

### CLERKS OF THE DISTRICT COURT:

Daniels Co.	Patricia McDonnell
Roosevelt Co.	M. Lorene Knudson
Sheridan Co.	Cheryl A. Olson

The Fifteenth Judicial District is bordered by Canada on the North, North Dakota on the East, the Missouri River on the South, and an arbitrary line on the West about ten miles west of Wolf Point that runs from the Missouri River north to Canada.

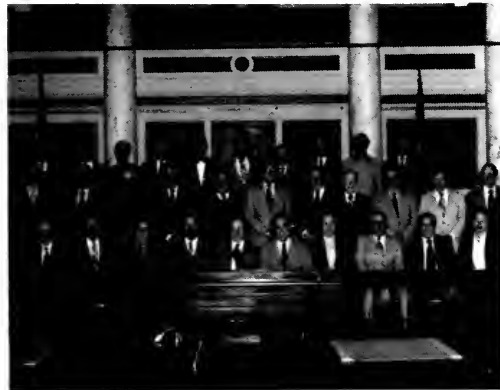
Within the Fifteenth Judicial District is the Fort Peck Indian Reservation with both Sioux and Assiniboiné Indians.

Wolf Point is 220 miles closer to Regina, the capital of Saskatchewan, than it is to Helena. Wolf Point is 320 miles from Saskatoon, home of the University of Saskatchewan, and we are 488 miles from the University of Montana at Missoula.

The personnel of the Fifteenth Judicial District, Court Reporter and Juvenile Probation Officer are the same people who have been in that position since the resident Judge moved to Wolf Point in August of 1969.

Cases filed in the 15th Judicial District in 1989:

Criminal	17	4.38%
Civil	139	35.82%
Dom. Rel.	72	18.56%
Adoption	16	4.12%
Sanity	6	1.55%
Juvenile	12	3.09%
Probate	126	32.47%
<b>TOTAL</b>	<b>388</b>	



Montana Judges Association  
Meeting, November, 1980

## 16TH JUDICIAL DISTRICT 1989

### COUNTIES IN THE DISTRICT:

Carter, Custer, Fallon, Garfield,  
Powder River, Rosebud and  
Treasure

NO. OF JUDGES: Two

ESTIMATED 1988 POPULATION:  
34,500

AREA IN SQUARE MILES: 14,462

DENSITY PER SQUARE MILE: 1.55

### DISTRICT JUDGES:

The Honorable Kenneth R. Wilson  
The Honorable Joe L. Hegel

### CLERKS OF THE DISTRICT COURT:

Carter Co.	Carole Carey
Custer Co.	Margaret Reid
Fallon Co.	Carol Wade
Garfield Co.	Charlotte Herbold
Powder River Co.	Arlynn Archer
Rosebud Co.	Collene Hill
Treasure Co.	Sally Van Hemerlyck

The Sixteenth Judicial District encompasses seven Southeastern Montana Counties: Carter, Custer, Fallon, Garfield, Powder River, Rosebud and Treasure, and some 21,815 square miles with a

population of only about 37,000.

Judges Kenneth R. Wilson (Dept. 1) and Joe L. Hagel (Dept. 2) were elected in November of 1988 and took office January 2, 1989, succeeding A. B. Martin and Alfred B. Coate, who had each served for more than twenty years. The district also has three new Clerks of Court: Carol Wade in Fallon County, Charlotte Herbold in Garfield County and Collene Hill in Rosebud County. All have prior experience as deputy clerks.

Neither judge has a secretary or law clerk. Given the sparse population and large distances traveled to serve in rural districts, it would be extremely helpful if the judges of such districts had access to a law clerk, employed by the court system in Helena.

The seven counties have approved the purchase of a laptop computer for Judge Hegel, who travels extensively throughout the district. Some counties are also acquiring fax capability which will be available to the court. The district is also looking forward to implementing the automation recommendations of the Supreme Court Commission as they become available.

Cases filed in the 16th Judicial District in 1989:

Criminal	143	15.49%
Civil	294	31.85%
Dom. Rel.	206	22.32%
Adoption	171	2.71%
Sanity	32	3.47%
Juvenile	58	6.28%
Probate	165	17.88%
TOTAL	923	

## 17TH JUDICIAL DISTRICT

1989

### COUNTIES IN THE DISTRICT:

Blaine, Phillips and Valley

NO. OF JUDGES: One

ESTIMATED 1988 POPULATION:  
20,800

AREA IN SQUARE MILES: 14,462

DENSITY PER SQUARE MILE: 1.44

DISTRICT JUDGE:

The Honorable Leonard H. Langen

CLERKS OF THE DISTRICT COURT:

Blaine Co.	Kay Johnson
Phillips Co.	Frances M. Webb
Valley Co.	Patricia A. Hill

The Seventeenth Judicial District includes Blaine, Phillips and Valley County. The Honorable Leonard H. Langen presides over the district and has served in this capacity since 1983.

Cases filed in the 17th Judicial District in 1989:

Criminal	51	11.09%
Civil	172	37.39%
Dom. Rel.	83	18.04%



Adoption	14	3.04%
Sanity	3	0.65%
Juvenile	31	6.74%
Probate	106	23.04%
<b>TOTAL</b>	<b>460</b>	

## 18TH JUDICIAL DISTRICT

1989

### COUNTIES IN THE DISTRICT:

Gallatin

NO. OF JUDGES: Two

ESTIMATED 1988 POPULATION:  
48,500

AREA IN SQUARE MILES: 2,517

DENSITY PER SQUARE MILE:  
19.27

### DISTRICT JUDGES:

The Honorable Thomas A. Olson  
The Honorable Larry Moran

### CLERK OF THE DISTRICT COURT:

Gallatin Co. Lorraine Van Ausdol

The district was created in 1947, when Gallatin County was removed from the 6th Judicial District which also covered Park and Sweet Grass Counties. H. A. Bolinger was appointed as the first District Judge at a salary of \$14,000 per year. In 1948, Judge Bolinger was defeated by W. W. Lessley. Judge Lessley served with distinction for 33 years. Thomas A. Olson was elected to succeed Judge Lessley in 1982. The second judgeship was created in 1977, and Joseph B. Gary was elected as the first judge of Department No. 2. Larry W. Moran was appointed to succeed Judge Gary, who retired, in 1989.

The Gallatin Valley is one of the most heavily irrigated areas in Montana. The district has always had close involvement with the water users of the Gallatin Valley, with five water commissioners appointed to work each season. The State Water Court is also located in Bozeman. The Judges have also maintained close ties with Montana State University, teaching courses in contracts, business law and constitutional law. Constant growth in the area (more than 100 lawyers) means that the 18th Judicial District will continue to be active with litigation and other court filings for the foreseeable future.

Cases filed in the 18th Judicial District in 1989:

Criminal	172	12.29%
Civil	547	39.10%
Dom. Rel.	422	30.16%
Adoption	48	3.43%
Sanity	16	1.14%
Juvenile	49	3.50%
Probate	145	10.36%
<b>TOTAL</b>	<b>1,399</b>	

The 18th Judicial District has two District Judges, who serve Gallatin County. Both courtrooms are located in the Law and Justice Center, 615 South 16th in Bozeman.

19TH JUDICIAL DISTRICT

1989

COUNTIES IN THE DISTRICT:

Lincoln

NO. OF JUDGES: One

ESTIMATED 1988 POPULATION:  
18,700

AREA IN SQUARE MILES: 3,714

DENSITY PER SQUARE MILE: 5.06

DISTRICT JUDGE:

The Honorable Robert Keller

CLERK OF THE DISTRICT COURT:

Lincoln Co.                      Viona Lamey

We have had many changes in the last calendar year, and the offices in which the changes have occurred should be commended on the way they have adapted and smoothly adjusted to the transformation.

It has been well over a year now since our district has had a new presiding Judge. Although the system did not change dramatically, every judge has their own way of doing things. The Judge's secretary went from part-time to full time in July of this year which opened up the Court's accessibility and awareness to all departments. Because the Court has kept trial settings current there has been no backlog even though some

cases have already been set for next year. There has not been a significant change in the number of cases filed.

The Clerk of Court's office acquired a computer with an additional terminal which met the State's requirements and should merge with any statewide system that may be produced in the future. All of the personnel have learned how to work the computer and they have found it to make their job much easier especially with the repetitious matters they used to do individually and now can handle with "shell documents." This office will eventually automate all of its input matters. Also, this year the Clerk and Chief Deputy Clerk attended the first of a three year certification program whereby the participants will receive Certificates of Certification.

The County Attorney's office had many changes. When the County Attorney resigned the Deputy County Attorney took over that position and hired a new Deputy. Also, during the same period the senior secretary resigned and that position was taken by the other secretary which meant a new secretary was also hired. All during this transition the County Attorney's office remained current and functioned normally. At the present time this office has increased its productivity and the interoffice relationship is excellent.

Lincoln County decided to hire a full-time Public Defender who would handle both adult and juvenile matters and have a county budget to work from as well as office space being furnished. Although it took a couple of months to organize, this department is now operating well.

We had a dramatic increase requiring juvenile detention this past year. We have made the Troy Jail an exclusive facility for juveniles as

originally required by state law. The Juvenile Probation Department has been working on grants to help defray the costs of such a facility since it has really cut down the District Court's budget. Because of such an increase in the juvenile matters, this department has worked long hours and many week-ends. Lincoln County has one Chief Probation Officer and one Deputy who cover the entire county consisting of approximately 3,715 square miles. Because Juvenile matters require immediate attention this produces a heavy workload for each of them and they are to be complimented on their dedication and sincere desire to attain the best interests for these juveniles.

Considering the many transitions which our judicial system acquired this past year, Lincoln County remained functionally sound and each department should be proud of their accomplishment to continually maintain their high level of efficiency and stability.

Cases filed in the 19th Judicial District in 1989:

Criminal	128	19.97%
Civil	189	29.49%
Dom. Rel.	177	27.61%
Adoption	15	2.34%
Sanity	13	2.03%
Juvenile	67	10.45%
Probate	52	8.11%

TOTAL                    641

20TH JUDICIAL DISTRICT  
1989

COUNTIES IN THE DISTRICT:

Lake and Sanders

NO. OF JUDGES:    One

ESTIMATED 1988 POPULATION:  
29,700

AREA IN SQUARE MILES: 4,272

DENSITY PER SQUARE MILE:  
6.95

DISTRICT JUDGE:

The Honorable C. B. McNeil

CLERKS OF THE DISTRICT COURT:

Lake Co.	Katherine E. Pedersen
Sanders Co.	Lisa Ferkovich

The 20th Judicial District is one of the busiest in the State of Montana with the caseload substantially higher than the average for the state.

According to statistics from the Office of the Court Administrator, the average number of cases disposed of by each district judge in Montana for 1989 is 684. The number disposed of in the 20th was 1065. The average numbers were obtained by taking the totals for the state from the 1989 annual report and dividing by the

number of district judges - 36. The average number of criminal cases disposed of by each district judge in 1989 was 123, while the number of criminal cases disposed of in the 20th District was 406. The state average number of criminal cases actually tried by jury was 7 while the number of criminal cases actually tried by jury in the 20th was 22.

When the 20th Judicial District came into existence in January of 1985, there were 1119 cases pending and at the end of the year 1989, there were a total of 769 pending for a gain of 350 more cases disposed of than were filed during that five-year period. The average number of cases disposed of in the 20th for that five-year period was 1027, while the statewide average per district judge was 732. Of the 1133 criminal cases disposed of in the 20th District during that five-year period, none were dismissed for failure to get a speedy trial.

The 20th District has an active volunteer guardian-ad-litem program in all dependent and neglect cases and has had a very successful house arrest program working for several years.

A computer has just been acquired so there is optimism that the district which stretches from the Bob Marshall Wilderness to the Idaho border may one day learn to communicate with those of you who have previously achieved civilization.

Cases filed in the 20th Judicial District in 1989:

Criminal	128	19.97%
Civil	344	34.64%
Dom. Rel.	185	18.63%
Adoption	25	2.52%
Sanity	15	1.51%
Juvenile	76	7.65%
Probate	109	10.98%
<b>TOTAL</b>	<b>993</b>	

## MONTANA DISTRICT JUDGES

District Judges who were serving at the end of 1989 are:

**G. TODD BAUGH** - District Judge, 13th Judicial District. Born October 12, 1941 in Sweetwater, Texas, and came to Montana in 1967. Received B.A. in Economics and Business from Rice University and LL.B from the University of Texas. Engaged in the general practice of law. Elected to the bench in 1984. Wife's name is Linda and they are the parents of one son and one daughter.

**MAURICE R. COLBERG** - District Judge, 13th Judicial District. Born December 26, 1934 in Minneapolis, Minnesota, and came to Montana in 1940. Served in the U. S. Army 1957-1958 and in the Army Reserve 1959-1965. Received a BS in Business Administration from the University of Montana in 1957, an LL.B from the University of Montana in 1960 and was awarded a J.D. degree from the University of Montana in 1970. Engaged in the general practice of law with emphasis on commercial litigation and served as a Trustee for Billings School District No. 2 1979-1985. Appointed to the bench November 10, 1989. His wife's name is Patricia and they are the parents of two sons and one daughter.

**DALE COX** - District Judge, 7th Judicial District. Born March 23, 1927 in Great Falls, Montana. Served in the U. S. Navy. Attended University of Montana, Washington University at St. Louis and received B.A. from St. Louis University and LL.B and J. D. from the University of Montana. Engaged in the general practice of Law and served as County Attorney for Dawson County. Appointed to the bench June, 1987. His wife's name is Jackline and they

are the parents to two sons.

**FRANK M. DAVIS** - District Judge, 5th Judicial District. Born November 2, 1921 in Unicoi, Tennessee, and came to Montana in 1952. Attended East Tennessee State and received LL.B from the University of Tennessee, Served in the United States Air Force. Appointed to the bench May, 1970. Elected 1982 and 1988. His wife's name is Joan and they are the parents of three sons and two daughters.

**LEIF B. ERICKSON** - District Judge, 11th Judicial District. Born June 10, 1942 in Helena, Montana. Received J.D. from the University of Montana. Engaged in the general practice of law. Appointed to the bench in 1985, elected in 1988. Wife's name is Carole and they are the parents of one son and one daughter.

**RUSSELL K. FILLNER** - District Judge, 13th Judicial District. Born April 18, 1926 in Forsyth, Montana. Served in the U. S. Army. Received LL.B and Ph.D from the University of Montana. Served as County Attorney for Rosebud County 1953-1965, City Attorney, Forsyth, Montana 1953-1965, City Councilman, City of Billings. Engaged in the general practice of law. Appointed to the bench December, 1986, elected 1988. Wife's name is Jane and they are the parents of four sons and one daughter.

**JACK L. GREEN** - District Judge, 4th Judicial District. Born May 18, 1922 in Kalispell, Montana. Served in the U. S. Army. Received a B. A. LL.B and J.D. from the University of Montana. Engaged in the general practice of law and served as a member of the City Council in Missoula, Montana. Appointed to the bench May, 1963, and has served continually since his appointment. His wife's name is Pat and they are the parents of one son and two daughters.

**DOUGLAS G. HARKIN** - District Judge, 4th Judicial District. Born May 21, 1943 in Sidney, Montana. Served in the U. S. Marine Corps. Received a B.S. in Accounting and J.D. from the University of Montana. Engaged in the general practice of law and was County Attorney for Ravalli County. Elected to the bench in 1980 and 1986. Father of two sons and one daughter.

**JOE L. HEGEL** - District Judge, 16th Judicial District. Born April 10, 1951 in Forsyth, Montana. Served in the U. S. Air Force 1969-1972. Received a B.A. in Government from St. John's University in 1973, J.D. from the University of Montana in 1977, and LL.M in Taxation from Boston University in 1978. Engaged in the general practice of law with emphasis on criminal, domestic relations and firm finance. He was elected to the bench in November 1988. His wife's name is Murielaise and they are the parents of one son and two daughters.

**JOHN S. HENSON** - District Judge, 4th Judicial District. Born September 29, 1940 in Wadsworth, Ohio. Came to Montana in 1971. Received a B.S. from Arizona State University and J. D. from the University of Kentucky. Engaged in the general practice of law and natural resource law. Served as County Attorney for Mineral County. Appointed to the bench May, 1979, and has served continually since his appointment. Father of one son and one daughter.

**R. W. HOLMSTROM** - District Judge, 13th Judicial District. Born March 29, 1928 in Garden City, Kansas, and moved to Montana in 1946. Served in the U. S. Navy 1945-46. Received a B.A. from the University of Montana in 1950 and a LL.B from the University of Montana in 1952. Engaged in the general

practice of law with emphasis on litigation. Appointed to the bench March 16, 1984. His wife's name is Patricia and they are the parents of one son and one daughter.

**THOMAS C. HONZEL** - District Judge, 1st Judicial District. Born March 1, 1945 in Spokane, Washington. Came to Montana in 1946; Served in the U. S. Army; received a B.A. in English from Carroll College and J.D. from the University of Montana School of Law. Was engaged in the general practice of law and served as Deputy County Attorney for Lewis and Clark County. Elected to the bench November 1984. Wife's name is Mary and they are the parents of three sons.

**MICHAEL H. KEEDY** - District Judge, 11th Judicial District. Born April 7, 1943 in Falls City, Nebraska. Came to Montana in 1974. Attended the University of Nebraska, received a B.A. in Political Science from Earlham College and J. D. from Washington University School of Law. Served in the Montana House of Representatives 1979-1981. Elected to the bench in 1982 and 1988. Wife's name is Carol and they are the parents of one son and one daughter.

**ROBERT S. KELLER** - District Judge, 19th Judicial District. Born December 5, 1927 at Bellefonte, Pennsylvania. Served in U. S. Army. Received B.A. from Penn State University and LL.B and J.D. from the University of Utah. Engaged in the general practice of law. Elected District Judge, 11th Judicial District 1968 and served until May 1976. Appointed District Judge of the 19th Judicial District April 1988. Wife's name is Susan and they are the parents of two sons and two daughters.

**LEONARD H. LANGEN** - District Judge, 17th Judicial District. Born September 12, 1914 at Glasgow, Montana. Received BA in Economics

and Sociology and LL.B and J.D. from Montana State University. Special Agent for FBI serving in Detroit, Indianapolis, New York City and Butte. Engaged in general practice of law at Glasgow in trial practice. President, Montana Judges Association, 1990. Elected to the bench in 1976, 1982 and 1988. Wife's name Kathryn and they are the parents of three sons and one daughter.

**DOROTHY McCARTER** - District Judge, 1st Judicial District. Born February 5, 1947 in Watertown, New York, and came to Montana in 1977. Received a B.S. in Elementary Education from the University of Colorado and J.D. from the New England School of Law. Served as law clerk in the 1st Judicial District and as Assistant Attorney General. Appointed to the bench October 5, 1989 and is the first woman to serve as District Judge in the 1st Judicial District and the second woman to serve as District Judge in the State. Married to Mike McCarter and they are the parents of two sons.

**JOHN M. McCARVEL** - District Judge, 8th Judicial District. Born June 6, 1921 in Anaconda, Montana. Served in the U. S. Navy. Received B.A. from Carroll College, attended the University of Notre Dame and received a J.D. from the University of Michigan. Engaged in the general practice of law and served as County Attorney for Deer Lodge County. President of the Montana Judges Association 1986. Appointed to the bench January, 1979 and has served continually since his appointment. Wife's name is Corintha and they are the parents of five sons.

**THOMAS McKITTRICK** - District Judge, 8th Judicial District. Born January 7, 1944 in Anaconda, Montana. Received a B.A. in Political Science from Carroll College in 1966 and J.D. from Gonzaga. Engaged in the general practice

of law and served as Deputy County Attorney for Cascade County. Appointed to the bench in December, 1983. His wife's name is Lisa and they are the parents of one son and one daughter.

**ED McLEAN** - District Judge, 4th Judicial District. Born April 12, 1946 in Anaconda, Montana. Attended the University of Washington, received B.S. in Business and J.D. from the University of Montana. Chief Criminal Deputy for the Missoula County Attorney's Office. Appointed to the bench February 1989. Wife's name is Sandy and they are the parents of two sons and one daughter.

**C. B. McNEIL** - District Judge, 20th Judicial District. Born February 17, 1937 in Anaconda, Montana. Served as a pilot in the U. S. Army. Attended Montana School of Mines and received B. S. in Metallurgical Engineering, University of Alaska, J. D. University of Montana. Engaged in the general practice of law in Polson. Delegate, 1972 Montana Constitutional Convention. Elected to the bench 1984. His wife's name is JoAnn and they are the parents of one son and one daughter

**RONALD D. McPHILLIPS** - District Judge, 9th Judicial District. Born March 14, 1932 in Great Falls, Montana. Served in the U. S. Army 1952-1954. Received a B.S. in Business Administration, Banking and Finance from University of Montana in 1956. Attended Valpariso University Law School and received a J.D. degree from the University of Montana in 1960. Engaged in the general practice of law and was elected Toole County Attorney in 1960. Has served as District Judge since 1963. His wife's name is Bernice and they are the parents of three daughters.

**TED L. MIZNER** - District Judge, 3rd Judicial District. Born October 21, 1948 in Deer Lodge, Montana. Received B.S. in Business Administration-Accounting and J.D. from the University of Montana. Engaged in the general practice of law and served as County Attorney for Powell County. Appointed to the bench June, 1987. His wife's name is Gayle and they have three sons and one daughter.

**LARRY MORAN** - District Judge, 18th Judicial District. Born November 4, 1932. Engaged in the general practice of law. Received his law degree from the University of Colorado and was admitted to the practice of law in Montana in 1973. Appointed to the bench in September, 1989. Wife's name is Mona and they are the parents to two sons.

**H. R. OBERT** - District Judge, 7th Judicial District. Born June 20, 1925 in Milton, Oregon and came to Montana in 1976. Served in the U. S. Navy. Received a B.S. and J. D. from the University of Wisconsin. Engaged in the general practice of law. Elected to the bench in 1984. Wife's name is Myrna and they are the parents of two sons and three daughters.

**ARNOLD OLSEN** - District Judge, 2nd Judicial District. Born December 17, 1916 in Butte, Montana. Attended Montana School of Mines and received LL.B and J.D. from the University of Montana. Served as Attorney General of Montana 1949-1957, and served in the U. S. House of Representatives 1961-1971. Appointed to the bench in February 1975 and was elected in 1976, 1982 and 1988. Widower and the father of three daughters.

**THOMAS OLSON** - District Judge, 18th Judicial District. Born May 30, 1938 in Glendive, Montana. Graduated from Montana State College in General Studies in 1960, and from the

University of Montana Law School in 1963. He served as a Law Clerk for Chief Justice James T. Harrison. He was assigned as Legal Officer in the U. S. Marine Corps, attaining the rank of Captain. In 1967 he entered the private practice of law in Bozeman, and was twice elected Gallatin County Attorney. From 1975 to 1977, Olson served as United States Attorney for Montana. He was elected District Judge in 1982 and 1988. Wife's name is Ann and they are the parents of two sons and one daughter.

**PETER L. RAPKOCH** - District Judge, 10th Judicial District. Born September 15, 1925 in El Paso, Texas. Served in the U. S. Army 1944-46 and in the Reserves 1949-68. Received a B.S. degree in Political Science from Santa Clara University in 1953 and a LL.B from the University of Montana in 1957. Engaged in the general practice of law and served as Fergus County Attorney prior to being elected to the bench in 1982. Wife's name is Patricia and they are the parents of five sons and three daughters.

**BYRON L. ROBB** - District Judge, 6th Judicial District. Born May 22, 1930 in Livingston, Montana. Served in the U. S. Army. Received B. S. in Business Administration and LL.B from the University of Montana. Engaged in the general practice of law and served as County Attorney for Park County. Elected to the bench in 1982 and 1988. Wife's name is Jeannette and they are the parents of two sons and two daughters.

**ROY C. RODEGHIERO** - District Judge, 14th Judicial District. Born March 28, 1936 in Roundup, Montana. Received B.A. in Business Administration and J.D. from Montana State University. Engaged in the general practice of law and served as County Attorney for Musselshell County. Elected to the bench in 1982 and 1988. Wife's name is Janet and they are the parents of two sons and four daughters.

**JOEL G. ROTH** - District Judge, 8th Judicial District. Born June 6, 1929 in Billings, Montana. Served in the U. S. Army. Attended the University of Nebraska and received B. A. in Business Administration and LL.B from the University of Montana. Engaged in the general practice of law, served as Deputy County Attorney for Cascade County, and with the United States Securities and Exchange Commission. Elected to the Office of Justice of the Peace in Cascade County. President of the Montana Judges Association, 1989. Elected to the bench 1976, 1982 and 1988. Widower and the father of one son.

**JEFFREY SHERLOCK** - District Judge, 1st Judicial District. Born April 3, 1950 in Great Falls, Montana. Received a B.A. and J.D. from the University of Montana. Served as City Attorney for the City of Helena and was engaged in the general practice of law. Elected to the bench November, 1988. Wife's name is Melissa and they have one daughter.

**M. JAMES SORTE** - District Judge, 15th Judicial District. Born February 22, 1931 in Plentywood, Montana. Served in the U. S. Air Force. Received B. A. in Political Science and History and LL.B from the University of Montana. Engaged in the general practice of law and served as Assistant County Attorney and Assistant Attorney General. President of the Montana Judges Association, 1981. Appointed to the bench August 1969, and has served continuously since then. His wife's name is Anne and they are the parents of one daughter.

**WILLIAM J. SPEARE** - District Judge, 13th Judicial District. Born February 14, 1929 in Sioux City, Iowa, came to Montana two months later. Served in the U. S. Air Force. Attended



Montana State University and received LL.B from the University of Montana. Engaged in the general practice of law. Served as County Attorney for Yellowstone County 1959-1965 and in the Montana House of Representatives 1969-1971. Appointed to the bench in October, 1979, reelected in 1982 and 1988. His wife's name is Shirley and they are the parents of one son and two daughters.

**MARK P. SULLIVAN** - District Judge, 2nd Judicial District. Born February 24, 1928 in Great Falls, Montana. Received a B.A. in Business Administration from the University of Montana and J.D. from Georgetown University. Served in the U. S. Marine Corps. Engaged in the general practice of law and served as County Attorney for Silver Bow County. Appointed to the bench in October 1980 and was reelected in 1982, 1988. He is the father of two sons and two daughters.

**JOHN WARNER** - District Judge, 12th Judicial District. Born January 22, 1943 in Great Falls, Montana. Attended the College of Great Falls, received a B.A. in History and Political Science and an LL.B from the University of Montana. District Delegate, Montana Officials Association; Past President, 12th Judicial Bar Association; Past President, State Bar of Montana. Elected to the bench 1988. His wife's name is Katherine and they are the parents of 3 sons and 3 daughters.

**KENNETH R. WILSON** - District Judge, 16th Judicial District. Born August 6, 1933 in Townsend, Massachusetts and came to Montana in 1959. Served in the U. S. Air Force. Received B.A. in History from Clark University and an LL.B from Montana State University. Engaged in the general practice of law and served as Deputy County Attorney for Custer County and City Attorney for the City of Miles City. Elected to the bench in 1988. His wife's

name is Joan and they are the parents of two sons and two daughters.

**MONTANA JUDGE’S ASSOCIATION**

The Montana Judge’s Association was established to promote and foster the Court system and the laws of the State of Montana; to promote and foster the continued education of judges; and to provide a forum for the exchange of ideas and information useful to judges. Membership of the Association consists of currently serving Supreme Court and District Court Judges. Retired Supreme Court and District Court Judges are included as associate members. The association meets twice each year. Members receive CLE credits for seminars presented at the meetings.

Officers of the Montana Judge’s Association for 1989:

President	Joel G. Roth 8th Judicial District
Vice-President	Henry Loble 1st Judicial District
Secretary/Treasurer	Leonard Langen 17th Judicial District

**CLERKS OF THE DISTRICT COURT**

Clerks of the District Court maintain complete records of cases filed and proceedings conducted in the District Court within the county they represent. Minutes of daily court proceedings are maintained by the Clerk, who also keeps records of such matters as court orders and decrees, and a ledger of criminal cases. In addition, the Clerk issues marriage licenses and has administrative responsibilities in terms of jury selection, and keeps citizenship and naturalization records.

The Clerk of the District Court is a partisan elected county position and serves a four year term. If a vacancy occurs in the Office of the Clerk of the District Court, the vacancy is filled by appointment of the Board of County Commissioners.

## **MONTANA ASSOCIATION OF CLERKS OF THE DISTRICT COURT**

The Montana Association of Clerks of District Court convened in Lewistown, Montana, on May 14-15, 1965, for an organizational meeting. The Association will hold its 25th anniversary meeting in June, 1990, in Whitefish.

Eight districts have been formed throughout the state of Montana to enable clerks to meet twice a year to discuss mutual problems and ideals. The Association itself meets annually, usually in the county of the president, for their annual convention. By inviting guest speakers, holding workshops, and through discussions, the clerks have worked to standardize procedures and to become informed with new laws and techniques.

In 1973, a committee compiled the first handbook for Clerks of Court. The handbook is constantly being updated and through revisions is kept current. In 1976, the Clerks of Court began to actively work with the Court Administrator's Office. At that time a method of reporting and filing data to the Supreme Court was formulated and has continued to date.

The various committees of the association meet through the year to update the handbook, work on legislation as it pertains to our office, puts together training sessions and has worked with and through the Court Administrator to put on schools for the clerks of court.

In the fall of 1989 at the annual school a new program for certifying Clerks of Court was started. Over a three year period of attending the annual school, participation in conventions and workshops, past experience as a clerk or deputy, serving as an officer or committee chairperson on a statewide or national level or as a panelist, speaker or instructor, a clerk will gain credits towards becoming certified.

It is the desire of the Montana Association of Clerks of District Court to help one another to share knowledge and information, to constantly improve and to be better Clerks of Court in order to perform our jobs in a professional manner and to better serve the public.

Officers of the Montana Association of Clerks of District Court are:

President	Katherine E. Pedersen Lake County
1st Vice President	Lori A. Maloney Silver Bow County
2nd Vice President	Charmaine R. Fisher Yellowstone County
Secretary	Penny Underdahl Toole County
Treasurer	Patty Jo Henthorn Sweet Grass County

## **STATEWIDE JUDICIAL INFORMATION SYSTEMS**

The Statewide Judicial Information System (SJIS) is a computerized district court case history tracking system. The SJIS was implemented in July 1976 and was the result of both legislative

and judicial desires to have timely and accurate statistical information on district court operations.

The State Judicial Information System provides vital data for managing and improving court operations at the trial court level. The System does this by tracking district court filings -- on a monthly and yearly basis -- by county and district of filing, by type of case, by the judge responsible for it, and by the length of time the case has been pending. This information aids court managers, legislators, and the citizens of Montana in making decisions regarding the allocation of available court resources.

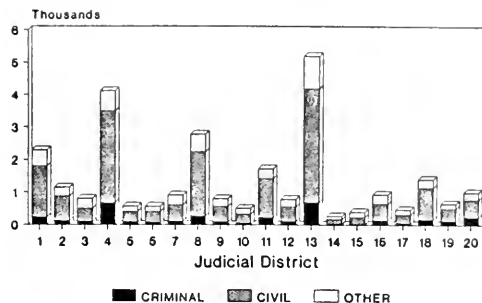
The SJIS has undergone an indepth evaluation in 1988 by the Office of the Court Administrator. In order to made the SJIS system more useful and timely, the Administrator's Office is investigating the possibility of moving SJIS from the current State mainframe environment to PC's. This would improve the capabilities of the SJIS and allow the eventual development of in-house docketing systems in district courts who have PC capability.

SJIS statistics are compiled in various report formats and distributed to district judges, state legislators, and other state officials and national organizations.

#### Cases filed statewide in 1989:

Criminal	3,611	13.26%
Civil	11,263	41.37%
Dom. Rel.	6,227	22.87%
Adoption	695	2.55%
Sanity	632	2.32%
Juvenile	1,412	5.19%
Probate	3,384	12.43%
<b>TOTAL</b>	<b>27,224</b>	

#### DISTRICT COURT CASES FILED - 1989



#### COURTS OF LIMITED JURISDICTION

##### JUSTICE COURTS

Justice of the Peace Courts are Montana's major Courts of Limited Jurisdiction. Their original jurisdiction presently includes most civil cases where a recovery will not exceed \$3,500; all misdemeanors punishable by a fine not exceeding \$500 or imprisonment not exceeding six months, including all traffic cases; or concurrent jurisdiction with the District Courts of all misdemeanors punishable by a fine exceeding \$500 or imprisonment exceeding 6 months or both such fine and imprisonment. These Courts also exercise concurrent jurisdiction with the District Court in actions of forcible entry, unlawful detainer, and residential landlord-tenant disputes. They do not have jurisdiction over felonies except for initial appearances and preliminary hearings.

By law, there must be at least one Justice of the Peace Court in each of Montana's 56 counties, which must be located at the County Seat. A Justice of the Peace may be appointed by a City or Town Council to serve as City Judge. At present there are 81 Justices of the Peace with 34 of these also serving as City Judges.

Justices of the Peace are elected on a nonpartisan ballot for a four year term. Requirements for the Office of Justice of the Peace include United States citizenship and residency in the County where the Court is held for one year. Each elected or appointed Justice of the Peace is required to attend two annual training sessions supervised by the Supreme Court. Failure to attend the training sessions disqualifies the Justice of the Peace from office and creates a vacancy in that office. Since 1985 Justices of the Peace are also required to obtain a Certificate of Completion for a course of education and training prescribed by the Commission on Courts of Limited Jurisdiction. When a vacancy occurs in the office of Justice of the Peace, a successor is appointed by the Board of County Commissioners.

## CITY COURTS

Montana statute allows the creation of City Courts. These courts have concurrent jurisdiction with Justice Courts for all misdemeanors punishable by a fine not exceeding \$500 nor exceeding six months imprisonment. City Courts exercise exclusive jurisdiction over municipal ordinances. In a town or third class city, the governing body may designate a Justice Court of the County to act as City Court.

A City Judge is elected on a nonpartisan ballot to a four year term and must have the same qualifications as those required of a Justice of the Peace. Like Justices of the Peace and Municipal Judges, City Judges are required to attend two annual training sessions supervised by the Supreme Court. Failure to attend the training sessions disqualifies the Judge and creates a vacancy in the office. City Judges are also required to obtain a Certificate of Completion for a course of education and training prescribed by the Commission on Courts of Limited Jurisdiction. When a vacancy occurs

in the office of City Judge the position is filled by the governing body of the City or Town.

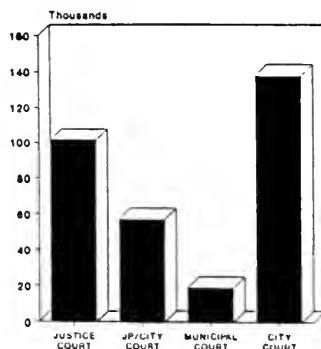
## MUNICIPAL COURTS

Montana statute allows for the creation of Municipal Courts for those cities that have a population of 10,000 or more. A Municipal Court may be established by City ordinance passed by a two-thirds vote of the governing body. In cities where a Municipal Court is established the office of City Judge is abolished. Presently there is only one Municipal Court in operation in the State of Montana. The Court is in Missoula.

While a Municipal Court Judge must have the same qualifications as a District Court Judge, he has the same jurisdiction as a Justice of the Peace. A Municipal Court Judge is elected for a four year term on a nonpartisan ballot. Training requirements for a Municipal Judge are identical to those for City Judges and Justices of the Peace. A vacancy in the Office of Municipal Judge is filled by appointment by the governing body of the City.

In Fiscal Year 1988, the Courts of Limited Jurisdiction handled over 300,00.

COURTS OF LIMITED JURISDICTION  
TOTAL CASES FY 88



## SPECIAL JURISDICTION COURTS

### WATER COURTS

Montana's Water Courts were created by the 1979 Legislative Session in response to concerns that the existing program of water adjudication, which was set up under the 1973 Water Use Act, would take hundreds of years to complete. The Legislature created the Water Court to "expedite and facilitate" the adjudication of existing water rights - those rights that were in existence prior to 1973.

There are four water divisions in the State that are formed by the natural divides between drainage and the border of the State. The four major water divisions in Montana are the Yellowstone River Basin, the Lower Missouri River Basin, and the Upper Missouri River Basin and the Clark Fork River Basin.

The Chief Water Judge is appointed by the Chief Justice of the Supreme Court from a list of nominees submitted by the Judicial Nominations Commission, and serves a four year term. Water Judges are designated for each water division by a majority vote of a committee composed of the District Judge from each single judge judicial district, and the Chief District Judge from each multiple judge judicial district. The term of office for Water Judges is four years. The Water Judges and their divisions are:

Chief Water Judge W. W. Lessley,  
Upper Missouri Division

Judge Leif Erickson,  
Clark Fork Division

Judge Bernard W. Thomas,  
Lower Missouri Division

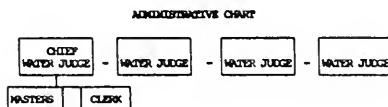
Judge Roy C. Rodeghiero,  
Yellowstone Division.

Five Water Masters and four Clerks are employed by the Water Courts. The Water Judges and Masters conduct hearings and make decisions concerning any objections made to a preliminary decree of water rights. The Clerk of the Water Court and her deputy function in a manner similar to the Clerk of the District Court.

Funding for Water Courts is derived from various revenue sources which include coal tax money, resource indemnity trust money and various other sources of bond and income revenues.

The work of the Water Courts have been slowed by litigation concerning the Court's role in its adjudication of the State's pre-1973 water. However, out of the 85 basins within the State of Montana, 6 basins have final decrees, 5 basins have been preliminary decreed. The Fort Peck basin has been completed with a compact approved by the Legislature. The total number of claims decreed is 108,238 out of a total of 205,000 in the entire state leaving 96,762 claims yet to be adjudicated. The Jefferson River Basin and Whitwater Creek Basin were issued in 1989 and are being adjudicated. The Musselshell River below Roundup Basin will be issued in February, 1990 and the Ruby River Basin will be issued in March, 1990. The Court is continuing to hear cases in the basins which have already been decreed.

### WATER COURTS



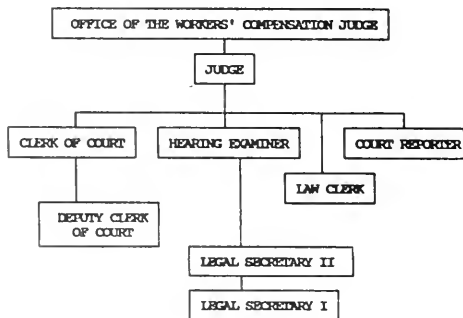
## WORKERS' COMPENSATION COURT

The 44th Legislative Assembly created the Office of the Workers' Compensation Court on July 1, 1975 to adjudicate disputes arising out of the workers' compensation benefit program. The Workers' Compensation Court has exclusive jurisdiction to make determinations concerning disputes arising under Title 39.

To accomplish legislative intent, the Office of the Workers' Compensation Judge is organized and functions in much the same manner as a district court, except that it is not bound by common law nor statutory rules of evidence and follows the appropriate provisions of the Montana Administrative Procedures Act. Legislative changes in 1987 provide that Rules of Evidence do apply in cases where the injury occurred after July 1, 1987.

The Workers' Compensation Judge is appointed by the Governor from a list of nominees submitted by the Judicial Nomination Commission, and serves a six year term. The Workers' Compensation Judge must have the same qualifications necessary to hold the office of District Court Judge. Effective January 1, 1990 the Office of the Workers' Compensation Judge is assigned to the Department of Labor and Industry for administrative purposes only.

WORKERS' COMPENSATION COURT



## ADMINISTRATION OF THE JUDICIAL SYSTEM

The Constitution of the State of Montana charges the Supreme Court with the ultimate responsibility for the efficient and effective operation of the judicial system. The Constitution gives the Supreme Court "general supervisory control over all other courts" and allows the Supreme Court to make rules governing appellate procedure, practice and procedure for all other courts and to regulate admission to the bar and conduct of attorneys.

To assist the Court in fulfilling its administrative and supervisory duties, the Supreme Court relies on presiding District Court Judges, the Office of Court Administrator, the Clerk of the Supreme Court, and various boards and commissions. The activities of these offices and boards and commissions during calendar year 1989 are highlighted below.

## OFFICE OF THE COURT ADMINISTRATOR

In October 1975, The Supreme Court established the Office of Court Administrator to assist the Court with its administrative duties. The Legislature made the office statutory in 1977 (3-1-701). The Court Administrator is appointed by the Supreme Court and holds the position at the pleasure of the Court.

The Office of the Court Administrator assists the Supreme Court in preparing judicial budget proposals, monitoring and managing the judicial budget, coordinating judicial education services,

providing central staff services to various boards and commissions, and providing long-range planning and research for statewide judicial needs.

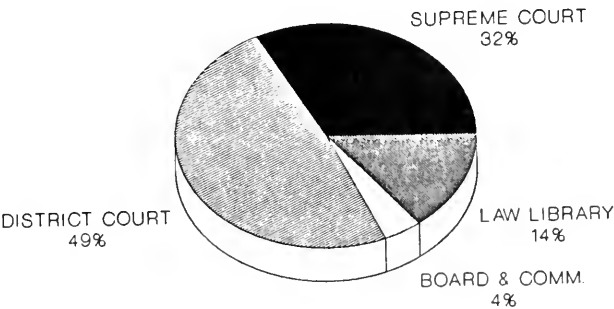
In 1989, the Office of the Court Administrator assumed the responsibility for administrative functions of the Board of Bar Examiners. The Office of the Court Administrator is responsible for assisting the Board of Bar Examiners in preparing and giving the State Bar Examination in February and July of each year.

During 1989, the Office of the Court Administrator conducted various activities related to court automation. In the First Judicial District a personal computer token ring local area network using existing telephone wiring was designed and installed to provide word

processing, financial spreadsheet, electronic mail and calendaring support. State of the art color workstations and laser printers were installed in the judges' chambers, clerk's office, Justice Court, Restitutions, County Attorney and law clerk's offices. System security and reliability is ensured by the use of an uninterruptible power supply, nightly unattended full system tape backup and a rigorous password and file security system.

In the next phase of the project, a full featured integrated case management system is under development in a fourth generation database language. This package will provide docket, calendar, time pay, fees, judgments, restitution, motion tracking, accounting, etc. functions in a user-friendly menu driven online environment for general and limited jurisdiction courts.

STATE JUDICIAL SYSTEM  
GENERAL FUND APPROPRIATION  
BY CATEGORY - FY 1990



## CLERK OF THE SUPREME COURT

The Clerk of the Supreme Court assists the Court, the legal community and the public, in processing appeals and original proceedings from the early filing stages through final disposition. The Clerk is elected on a partisan ballot in a statewide election to a six year term.

The primary responsibilities of the Office of the Clerk are specified in the Montana statutes, and consist of processing all documents relative to Supreme Court appeals and petitions for the various writs, including writs of supervisory control, habeas corpus and mandamus, which are filed with the Court. The office also provides the Court a weekly status report of pending cases.

The Clerk has additional duties as well, including the preparation of minutes of all oral arguments, collecting the annual attorney license tax, issuing license certificates for more than 2800 attorneys, and maintaining the roll of Montana attorneys. Certificates of Good Standing and Certificates of Admission are issued by the Clerk, who also has an integral role in the bar admission process. The Clerk manages a staff of three deputies.

During 1989, the Office of the Clerk implemented a new automated docketing system utilizing personal computers with a unique word processing program. A long-term goal is to make the docket available for public use to law firms and government agencies that deal regularly with the Clerk's Office. The new system streamlines docketing functions and is user oriented. It provides the Court, judicial personnel and the public with the ability to track cases through the appeal process. The office also began development of a new system for processing attorney licenses which will be in operation for the 1990 licensing year.

The Clerk's Office docketed 633 cases in 1989. This comprised a total of 391 civil appeals, 103 criminal appeals, and 139 original proceedings. These totals represent a slight increase over the number of cases docketed in 1988.

During 1989, the office collected \$93,885 in fees and taxes. This amount was comprised of \$39,410 in Court fees, bar examination fees of \$27,705, and \$26,770 in attorney license taxes.

## STATE LAW LIBRARY

The State Law Library, governed by a board of trustees composed of all the Justices of the Supreme Court is supported entirely from the state's general fund. The Library is the state's only legal library with circulation and reference services available to anyone in Montana.

Patron services are regarded as the primary mission of the library, and drive every other function. Book circulation and photo-copying of requests to mail out take much of the circulation staff's resources. In Fiscal Year 1989 over 5,000 law books were checked out to government employees, law clerks, practicing attorneys and the general public. 18,861 books were reshelfed, and 745 hours were spent filing pages in looseleaf services. Over 30,000 pages from codes, opinions, journal articles and federal regulations were mailed to patrons outside of Helena. 268 requests from other libraries for our materials were filled, and we made 224 requests of libraries for materials that we did not have. Our inter-library loan activity resulted in a savings of over \$12,000 to the state.

A major effort following each session of the Legislature is the preparation and binding of the bills and minutes so that they can be used to compile future legislative histories. In 1989 we



spent 213 hours copying 43,774 pages of minutes and expended 121 hours preparing for the binding of the bills and minutes.

Reference statistics continue to be elusive, as we do not have the time to write down and categorize each reference encounter. 163 legislative histories were compiled for out of town patrons, and the same number of online research requests were filled. Our reference librarian wrote a legal research guide for Montana, which we hope to have published in 1990, and preliminary work was conducted on a symposium to be held in the spring of 1990. A new Users' Guide to the Law Library was printed in 1989.

The Technical Services Staff processed 4,127 new volumes, although only 141 new titles were ordered. Double digit book inflation has critically hurt the quality of the Law Library's collection. The Law Library's purchasing power is equivalent to levels of the 1970's, as no book inflation has been funded for five years.

One of the Library's most significant achievements in the past year has been the conversion of our microfiche-formatted catalog to one which is based on computer and laser disk technology. Named the Intelligent Catalog, it allows both the patrons and staff unlimited access points to the collection, and is updated once a month.

The Library's Lexis Membership Group Program continues to be the most successful in the United States (measured by members per capita), and new members continue to join the group which is an indication of how important computer assisted legal research is in Montana.

## ADVISORY BOARDS AND COMMISSIONS OF THE SUPREME COURT OF MONTANA

The Supreme Court utilizes the services of several boards and commissions in order to discharge its general administrative and supervisory responsibilities delegated by the Constitution. The various boards and commissions are charged by the Court to address specific issues or areas of expertise and to report problems and recommendations to the Supreme Court.

The activities of the advisory boards and commissions during the 1988-89 biennium are summarized below.

### JUDICIAL NOMINATION COMMISSION

The Judicial Nomination Commission, created under 3-1-1001, MCA, is charged with the responsibility of providing the Governor with a list of candidates for appointment to fill any vacancy on the Supreme Court, District Court, or Workers Compensation Court, and to provide the Chief Justice of the Supreme Court with a list of candidates for appointment to fill any term or vacancy for the Chief Water Judge. The Commission is composed of seven members: four lay members from different geographical areas of the state who are appointed by the Governor; two attorneys, one from each congressional district, appointed by the Supreme Court; and one District Judge who is elected by District Judges from around the state. Commission members serve a four year term and are not eligible for nomination to a judicial office during their term on the Commission or for one year thereafter.

When a vacancy occurs on the Supreme Court or in a District Court, the Commission is

required to meet and within 30 days after the vacancy has been verified by the Chief Justice, and submit to the Governor a list of not less than three (nor more than five) nominees for appointment. The same process is true for a vacancy in the Office of Chief Water Judge, except that the nominees are made to the Chief Justice for eventual appointment. The Governor and Chief Justice are limited to making appointments from the list of nominees submitted by the Judicial Nominations Commission.

If the Governor fails to nominate within 30 days after receipt of a list of nominees, the Chief Justice (or acting Chief Justice) makes the nomination.

The Commission meets as necessary when a vacancy occurs or a term expires. The Commission met once in calendar year 1986, four times in calendar year 1987 and twice in calendar year 1988. In 1989 the Commission met a total of six times, once to nominate to fill a vacancy on the Supreme Court (Gulbrandson/Barz), four times to nominate to fill vacancies on the District Court (Whellis/McLean; Gary/Moran; Loble/McCarter and Barz/Colberg) and once to nominate for the position of Chief Water Judge. W. W. Lessley was appointed to a second term.

## SENTENCE REVIEW BOARD

Anyone sentenced to a year or more in the Montana State Prison may request judicial review of the sentence. Applications for sentence review must be made within sixty days from the date the sentence was imposed.

The Sentence Review Division of the Supreme Court consist of three District Court Judges

appointed by the Chief Justice for three-year terms. The Chief Justice designates one of the Judges as chairman.

The Sentence Review Board meets at least four times each year in the Administrative Building at the State Prison in Deer Lodge. (MCA, 46-18-901).

The workload of the Sentence Review Board has increased steadily in the past few years. One-hundred and one applications were filed with the Board in 1985, 128 in 1986, 140 in 1987, and 159 applications in 1988. In 1989, 148 applications were filed with the Board.

## COMMISSION ON UNAUTHORIZED PRACTICE

The investigation of complaints alleging that a person is practicing law without having been admitted to the bar is the responsibility of the Commission on Unauthorized Practice. The Commission was created by the Supreme Court on June 30, 1976. Investigations of unauthorized practice originally had been the responsibility of the Commission on Practice.

The Commission on Unauthorized Practice is made up of five members appointed by the Supreme Court for two year terms. The Commission meets when necessary to investigate complaints of unauthorized practice of law.

## COMMISSION ON COURTS OF LIMITED JURISDICTION

Two years after the adoption of a of a new Constitution, the Supreme Court established the Commission on Courts of Limited Jurisdiction to

assist in setting general policies for Limited Jurisdiction Courts. The Commission was charged with preparing a set of rules of practice and procedures designed to carry out the principles of the 1972 Constitution and to improve and make court practices uniform throughout the state. The Commission was also charged with studying the limited jurisdiction court system and making recommendation to the Supreme Court for improvements.

Originally, the Supreme Court appointed eight to the Commission for an indefinite term.

The Supreme Court re-established the Commission in August, 1976, with a new emphasis on continuing education for limited jurisdiction judges. Currently, the Commission holds ten meetings each year and conducts two annual training sessions for all elected and appointed Justices of the Peace and City Judges. In calendar year 1986, Judges of the Courts of Limited Jurisdiction received 37.5 hours of training and in calendar year 1987, 33.75 hours of training was conducted. The Judges received 47.75 hours of training in calendar year 1988, and 42.75 hours of training was given in 1989. All City Judges, Municipal Judges and Justices of the Peace are required to attend the two training sessions per year.

The Commission on the Courts of Limited Jurisdiction revised the Rules of Civil Procedure for Courts of Limited Jurisdiction and distributed these new rules to all courts in 1989.

The current Commission consists of nine members appointed by the Supreme Court for four year terms. Membership on the Commission is represented by one district judge, one city representative, one county

representative, one State Bar representative, one city judge representing a small community, one justice of the peace representing a small community, one justice of the peace representing a large community, one member at large, and the President of the Montana Magistrates Association.

## BOARD OF BAR EXAMINERS

The Board of Bar Examiners is responsible for conducting the licensing examination for attorneys who wish to practice law in the State of Montana. In 1989, there were 2774 attorneys licensed to practice law in Montana.

The Board of Bar Examiners is appointed by the Supreme Court. Terms of the Board members are permanent, however, the Supreme Court may release, dismiss, or remove any member of the Board and appoint other members in his or her stead at any time. The Supreme Court Administrator serves as the Board's Administrator.

The Board of Bar Examiners conducts the examination of applications for admission to the bar. The Board performs such duties and renders such assistance in the examination of applicants as may be prescribed by the Supreme Court.

The Boards offers a February and July examination each year. Applicants are examined on their legal ability, and character and fitness to practice law. The Montana State Bar Examination consists of a one day Multistate Bar Examination and a one and a half day Montana Essay Examination.

STATE BAR EXAMINATIONS 1983 - 1989			
DATE OF EXAM	NUMBER OF APPLICANTS	NUMBER SUCCESSFUL	PERCENT SUCCESSFUL
2-83	24	17	71
8-83	38	32	84
2-84	31	23	74
7-84	98	81	83
2-85	39	22	56
7-85	125	108	86
2-86	34	20	59
7-86	119	85	71
2-87	46	33	72
7-87	90	87	97
2-88	25	17	68
7-88	89	78	88
2-89	22	16	73
7-89	80	73	91

## COMMISSION CONCERNING RULES OF ADMISSION TO THE PRACTICE OF LAW IN THE STATE OF MONTANA

A Commission Concerning Rules of Admission to the Practice of Law in the State of Montana was created by Court Order of the Supreme Court on June 18, 1985. The Commission was instructed to study the Court's existing rules on admission to the practice of law and to make recommendations to the Supreme Court as the Commission deems appropriate.

Membership on the Commission is represented by two non-lawyers, one District Judge, one member of the Board of Bar Examiners, and seven members of the State Bar of Montana.

Members of the Commission are appointed by the Supreme Court for an indefinite term.

## COMMISSION ON RULES OF EVIDENCE

The Supreme Court established the Commission on Rules of Evidence by Order Number 12729

on April 5, 1974. The Commission on Rules of Evidence was instructed to study the present Code of Evidence and the practice thereunder, together with other developments and proposals in the field of evidenciary law and to make recommendations from time to time, for appropriate revision of the Code of Evidence.

The Commission on Rules of Evidence is made up of 13 members who are appointed by the Supreme Court for an indefinite term.

## ADVISORY COMMISSION ON RULES OF CIVIL AND APPELLATE PROCEDURE

The Advisory Commission on Rules of Civil and Appellate Procedure was established by Order of the Supreme Court on February 15, 1983. The Commission is charged with analyzing changes in the Federal Rules of Civil Procedure to determine whether further modifications of the Montana Rules of Civil Procedure and the Montana Rules of Appellate Procedure should be adopted. Modifications are necessary from time to time in order to coordinate with federal rules and procedural changes. The goal is to keep current with developing changes and to promote speedy resolution of litigation.

The Advisory Commission meets periodically to review rules and make recommendations to the Supreme Court for necessary modifications.

The eleven member Commission is appointed by the Supreme Court for an indefinite term.

## COMMISSION ON THE USE OF APPROPRIATE TECHNOLOGY IN THE MONTANA JUDICIARY

The Supreme Court established an eleven member Commission on the Use of Appropriate Technology in the Montana Judiciary in December, 1987. The Commission was directed to review the current and future uses of appropriate technology within the Montana Judiciary. The Supreme Court's goal in establishing such a commission was to begin an assessment of automation needs for the Judiciary and develop a long-range plan for coordinated acquisition and use of computer equipment.

The Commission continued its work in 1989 and began the process of recommending to the Supreme Court computer standards for judicial offices. As of the printing of this Report (May, 1990) the Commission has recommended to, and the Supreme Court has adopted, six automation standards that are meant to begin the process of moving Montana's Judicial System in the direction of a uniform hardware/software system and providing unified training and support services that are realistic given Montana's resources, that are up-to-date and cost-effective, and that can be shared statewide between Courts. Standards also provide written guidelines on issues related to information security and backup for essential court records.

## DISCIPLINARY BOARDS

### COMMISSION ON PRACTICE

The Commission on Practice is responsible for examining complaints alleging unethical conduct by Montana attorneys.

The Supreme Court established the Commission by Order dated January 5, 1965. Besides receiving and investigating complaints of alleged

misconduct, the Commission also has the responsibility for investigating and reporting on the merits of any petition for reinstatement to the practice of law.

The 1965 Order establishing the Commission on Practice called for the appointment of eight attorney members, one from each region established in the Order. The Supreme Court appointed members from a list of three nominees submitted from each area. On August 22, 1979, the Supreme Court enlarged the Commission from eight to eleven members. The three additional members are non-attorneys. They are appointed at large by the Supreme Court. All members of the Commission on Practice serve a four year term.

The Commission's caseload has increased significantly in the last few years. The Commission received 147 complaints in 1985, 165 complaints in 1986, 192 complaints in 1987, 194 complaints in 1988 and 213 complaints in 1989.

#### SUMMARY OF COMMISSION ON PRACTICE COMPLAINTS FOR THE YEAR 1989

Number of Complaints filed for the period . . . . .	213
Number of Complaints pending at the end of 1988 . . . . .	105
TOTAL . . . . .	318

#### Disposition of Complaints:

Dismissed by Commission . . . . .	215
Private Reprimand . . . . .	1
Public Reprimand . . . . .	0
Suspension . . . . .	1
Disbarment . . . . .	2
Disciplinary Proceedings instituted and pending . . . . .	9
Complaints pending 12/31/89 . . . . .	90
TOTAL . . . . .	318

JUDICIAL STANDARDS COMMISSION

Article VII, Section 11 of the Montana Constitution directs the Legislature to create a five member Judicial Standards Commission empowered to investigate complaints against any judge and to hold hearings concerning the discipline, removal, or retirement of any judge. The Commission is attached to the Supreme Court for administrative purposes only. The work, investigations, and recommendations of the Commission are entirely independent of the Supreme Court.

Whenever the Commission makes a recommendation to the Supreme Court concerning discipline or removal of a judicial officer, the Court may take appropriate action concerning the recommendation. The Supreme Court may censure, suspend or remove any justice or judge for willful misconduct in office, willful and persistent failure to perform his duties, violation of canons of judicial ethics adopted by the Supreme Court of the State of Montana, or habitual intemperance. In addition,

the Supreme Court may retire any justice or judge for a permanent disability that seriously interferes with the performance of his or her duties.

The Judicial Standards Commission is a five-member body consisting of two district judges from different judicial districts who are elected by all the district judges; one attorney who has practiced law in the state for at least ten years, appointed by the Supreme Court; and two citizens from different congressional districts who are not attorneys or judges, active or retired. These two members are appointed by the Governor. Members of the Judicial Standards Commission serve a four year term.

The Commission meets quarterly to consider complaints. The Commission received 12 complaints in 1985, 11 complaints in 1986, 37 complaints in 1987, 35 complaints in 1988 and 37 complaints in 1989.

SUMMARY OF JUDICIAL STANDARDS COMMISSION COMPLAINTS FOR THE YEAR 1989	
Number of Complaints filed for the period .....	37
Number of Complaints pending at the end of 1988 .....	20
TOTAL .....	57
Disposition of Complaints:	
Dismissed by Commission .....	34
Private Reprimand .....	11
Public Reprimand .....	0
Suspension .....	0
Disbarment .....	0
Disciplinary Proceedings instituted and pending .....	3
Complaints pending 12/31/89 .....	9
TOTAL .....	57

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## Appendix



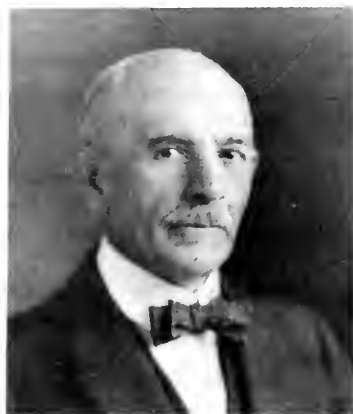


CHIEF JUSTICES  
MONTANA SUPREME COURT  
1864 TO PRESENT

TERM SERVED	CHIEF JUSTICE	
1864-1868	Hosmer, Hezekiah L.	Appointed Chief Justice June 30, 1864, by President Lincoln.
1868-1871	Warren, Henry L.	Appointed July 18, 1868, by President Johnson to replace Hezekiah Hosmer.
1871-1887	Wade, Decius S.	Appointed March 17, 1871, by President Grant to replace Henry L. Warren.
1887-1889	McConnell, N. W.	Sworn in May 2, 1887 to replace Decius S. Wade. Resigned March 1, 1889. Appointed by President Cleveland.
1889-1893	Blake, Henry N.	Appointed by President Grant as Associate Justice, Territorial Supreme Court 1875-1885; Appointed Chief Justice by President Harrison to replace N. W. McConnell and served until his election to the position in 1889. District Judge, 1st Judicial District 1894-1896. Served as Court Commissioner 1905.
1893-1899	Pemberton, William Y.	Delegate Constitutional Convention, 1866; Delegate Constitutional Convention, 1884; District Judge, 2nd Judicial District, 1890-1893.
1899-1922	Brantly, Theodore	District Judge 3rd Judicial District 1894-1898; Died in office September 16, 1922. Served 23 years and was the longest serving Chief Justice to date.
1922-1935	Callaway, Llewellyn L.	District Judge 5th Judicial District 1905-1913. Appointed September 28, 1922, to replace Chief Justice Theodore Brantly.
1935-1938	Sands, Walter B.	Died in office June 13, 1938.
1938-1939	Goddard, O. P.	Constitutional Convention Delegate 1889; District Judge, 13th Judicial District, 1925-1936. Appointed to replace Justice Walter B. Sands June 20, 1938.
1939-1946	Johnson, Howard A.	Resigned April 1, 1946.

<u>TERM SERVED</u>	<u>CHIEF JUSTICE</u>	
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1946-1946	Lindquist, Carl	Appointed April 1, 1946 to replace Howard A. Johnson.
1947-1956	Adair, Hugh R.	Lieutenant Governor 1936-1940; Associate Justice 1943-1946; Chief Justice 1947-1956; Associate Justice 1957-1968. Served a total of 25 years on the Supreme Court.
1957-1977	Harrison, James T.	Appointed Chief Justice January 7, 1957 to replace Hugh R. Adair.
1977-1978	Hatfield, Paul G.	District Judge 8th Judicial District 1961-1976. Appointed to the U. S. Senate January 22, 1978.. Appointed Federal Judge, May 10, 1979.
1978-1985	Haswell, Frank I.	District Judge 11th Judicial District 1959-1967. Appointed Justice of the Supreme Court 1-8-67 and served until his appointment as Chief Justice to replace Paul G. Hatfield March 10, 1978..
1985-	Turnage, J. A.	County Attorney, Lake County 1953-1962. Montana House of Representatives 1962-1964. Montana State Senate 1965-1984.



**CHIEF JUSTICE THEODORE BRANTLY**

Chief Justice 1899-1922. Served 23 years and is the longest serving Chief Justice. (Photo courtesy of the Montana Historical Society)

JUSTICES OF THE  
MONTANA SUPREME COURT  
1864 TO PRESENT

<u>TERM SERVED</u>	<u>JUSTICE</u>	
1864-1864	Giddings, Ammi	Appointed June 22, 1864, by President Lincoln, but resigned immediately because of ill health. Justice Giddings did not serve.
1864-1868	Williston, Lorenzo P.	Appointed June 22, 1864, by President Lincoln. Previously served on the bench of the Dakota Territory
1865-1869	Munson, Lyman E.	Appointed by President Lincoln March 11, 1865, to replace Ammi Giddings.
1868-1879	Knowels, Hiram	Appointed by President Johnson, July 18, 1868. Delegate Constitutional Convention, 1889.
1869-1871	Symes, George G.	Appointed by President Grant, April 5, 1869.
1871-1872	Murphy, John Luttrell	Appointed by President Grant, January 27, 1871.
1872-1875	Servis, Francis G.	Appointed by President Grant, September 21, 1872.
1879-1888	Galbraith, William J.	Appointed by President Hayes, July 1, 1879. Reappointed by President Arthur in 1884.
1880-1886	Conger, Everton J.	Appointed by President Hayes, March 2, 1880.
1884-1886	Coburn, John	Appointed by President Hayes, February 19, 1884.
1886-1889	Bach, Thomas C.	Appointed August 9, 1886 by President Cleveland to fill the office of the fourth Justice created by act of July 10, 1886. Montana House of Representatives, 1892; District Judge, 1st Judicial District, 1907-1909.
1886-1888	McLeary, James H.	Appointed August 6, 1886 by President Cleveland.
1888-1889	DeWolf, Stephen	Territorial House of Representatives 1880; Territorial Council 1885. Appointed Associate Justice, January 28, 1888, by President Cleveland.

TERM  
SERVED

JUSTICE

1888-1889	Liddell, Moses J.	Appointed April 2, 1888 by President Cleveland.
1889-1897	DeWitt, William H.	
1889-1895	Harwood, Edgar N.	
1895-1900	Hunt, William H.	Delegate Constitutional Convention, 1884; Territorial House of Representatives, 1888; District Judge, 1st Judicial District 1889-1894. Resigned June 4, 1900.
1897-1897	Buck, Horace R.	Territorial Council, 1884; District Judge, 1st Judicial District, 1890-1896. Died in Office December 6, 1897.
1897-1903	Pigott, William	Appointed December 21, 1897 to replace Justice Horace R. Buck. District Judge, 1st Judicial District, 1934.
1900-1901	Word, Robert L.	Clerk of the Montana Territorial Supreme Court, 1887-1889; District Judge, 1st Judicial District, 1917-1920. Appointed June 4, 1900, to replace Justice William H. Hunt.
1901-1907	Milburn, George R.	District Judge, 7th Judicial District, 1889-1896.
1903-1926	Holloway, William L.	District Judge, 9th Judicial District, 1900-1901. Died in office December 11, 1926.
1907-1913	Smith, Henry C.	District Judge, 1st Judicial District, 1896-1906. Montana State Senate, 1924-1930.
1913-1918	Sanner, Sidney	District Judge, 7th Judicial District 1909-1913. Resigned October 25, 1918, after being defeated in primary election.
1918-1918	Pigott, William T.	District Judge, 1st Judicial District 1934; Associate Justice, Montana Supreme Court, 1897-1903. Appointed November 14, 1918, to replace Justice Sydney Sanner.
1919-1924	Cooper, Charles H.	Resigned August 30, 1919, after primary election defeat.
1919-1921	Hurley, John	Appointed September 1, 1919, to fill the newly created seat (1919 laws Extra Session c. 31)

<u>TERM SERVED</u>	<u>JUSTICE</u>	
1919-1920	Matthews, John A.	District Judge, 14th Judicial District, 1913-1919. Appointed November 24, 1919, to replace Justice George Y. Patten. Associate Justice, Montana Supreme Court, 1925-1937.
1919-1919	Patten, George Y.	Appointed August 11, 1919, to fill the newly created seat (1919 laws Extra Session c 31). Resigned November 8, 1919.
1921-1933	Galen, Albert J.	Attorney General, 1905-1911.
1921-1922	Reynolds, Frank B.	Died in office May 19, 1922.
1922-1923	Farr, George W.	Appointed to replace Justice Frank P. Reynolds.
1923-1929	Stark, Albert P.	District Judge, 6th Judicial District, 1913-1922.
1924-1925	Rankin, Wellington D.	Attorney General, 1921-1924. Resigned as Attorney General to accept appointment to the Supreme Court to replace Charles H. Cooper. Appointed August 30, 1924.
1925-1937	John A. Matthews	District Judge, 14th Judicial District, 1913-1919. Appointed November 24, 1919, to replace Justice George Y. Patten.
1926-1927	Toole, Warren	Appointed December 20, 1926 to replace Justice William L. Holloway. Served from December 20, 1926, to January 3, 1927.
1927-1929	Myers, Henry L.	U. S. Senate, 1916; District Judge, 4th Judicial District, 1907-1911. Appointed December 23, 1926, to fill the seat of William L. Holloway. Warren Toole was appointed to fill the seat from December 20, 1926 to January 3, 1927.
1929-1934	Angstman, Albert H.	Served as Justice of the Montana Supreme Court, 1937-1942 and from 1945-1961. Served a total of 28 years on the Supreme Court.
1929-1933	Ford, Sam C.	Attorney General, 1917-1920; Governor, 1941-1948.
1933-1939	Anderson, Ralph J.	State House of Representatives, 1915.
1933-1939	Stewart, Sam V.	Governor, 1913-1920. Died in office September 15, 1939.

TERM  
SERVED

JUSTICE

1935-1947	Morris, Claude F.	Montana House of Representatives, 1914; Montana State Senate, 1917.
1937-1942	Angstman, Albert H.	Served as Justice of the Montana Supreme Court, 1929-1934, and from 1945-1961. Served a total of 28 years on the Supreme Court.
1939-1941	Arnold, Ralph L.	District Judge, 4th Judicial District, 1936-1939. Appointed September 19, 1939, to replace Justice Sam V. Stewart.
1939-1945	Erickson, Leif	
1941-1945	Anderson, Albert	
1943-1946	Adair, Hugh R.	Montana House of Representatives, 1927 and 1934; Lieutenant Governor, 1937-1940; Chief Justice, 1947-1947; Justice 1956-1968.
1945-1961	Angstman, Albert H.	Served as Justice of the Montana Supreme Court, 1929-1934 and from 1945-1961. Served a total of 28 years on the Supreme Court.
1945-1947	Cheadle, Edwin K.	District Judge, 10th Judicial District, 1900-1913. Resigned October 1, 1947.
1947-1949	Choate, I. W.	Appointed January 6, 1947 to replace Justice Hugh Adair who was elected Chief Justice.
1947-1949	Gibson, Fred L.	Montana House of Representatives, 1898, 1908, 1918 and 1920. Appointed October 1m 1947, to replace Edwin K. Cheadle.
1947-1953	Metcalf, Lee	Montana House of Representatives, 1937; U. S. House of Representatives, 1953-1961; United States Senate, 1961-78. Died Janury 12, 1978.
1949-1961	Bottomly, R. V.	Attorney General, 1945-1948.
1949-1954	Freebourn, Harrison J.	Attorney General 1937-1940. Died in office December 12, 1954.

<u>TERM SERVED</u>	<u>JUSTICE</u>	
1953-1956	Anderson, Forrest H.	Montana House of Representatives, 1943; Attorney General, 1957-1968; Governor, 1969-1972.
1954-1957	Davis, Horace S.	Appointed December 21, 1954, to replace Justice Harry J. Freebourn.
1956-1968	Adair, Hugh R.	Montana House of Representatives, 1927 and 1934; Lieutenant Governor, 1937-1940;
1957-1977	Castles, Wesley	Appointed January 7, 1957 to replace Justice Forrest H. Anderson who was elected Attorney General.
1961-1967	Doyle, Stanley M.	Appointed April 10, 1961, to replace Justice Albert H. Angstman. Resigned August 1, 1967.
1961-	Harrison, John C.	County Attorney, Lewis and Clark County, 1954-1960.
1967-1978	Haswell, Frank I.	District Judge, 11th Judicial District, 1959-1967; Appointed August 1, 1967, to replace Justice Stanley M. Doyle. Appointed Chief Justice Montana Supreme Court, March 10, 1978, and served in this capacity until 1985.
1969-1970	Bonner, John W.	Attorney General, 1941-1944; Governor, 1949-1952. Died in office March 29, 1970.
1970-1983	Daly, Gene B.	Appointed to replace Justice Bonner, March 29, 1970.
1977-1985	Shea, Daniel J.	
1978-	Sheehy, John C.	Montana House of Representatives, 1959 and 1965. Montana State Senate, 1969-1971. Appointed March 10, 1978, to replace Justice Frank I. Haswell who was appointed Chief Justice.
1981-1987	Morrison, Frank B.	Resigned May 1987.
1981-	Weber, Fred J.	
1983-1989	Gulbrandson, L. C.	District Judge, 7th Judicial District, 1960-1982.
1985-	Hunt, William E., Sr.	County Attorney, Liberty County; First State Workers' Compensation Judge, 1975-1981.

TERM  
SERVED

JUSTICE

1987-	McDonough, R. C.	Appointed to replace Justice Frank B. Morrison; Sworn in on May 22, 1987; County Attorney, Dawson County; Delegate Constitutional Convention, 1972; District Judge, 7th Judicial District, 1983-1987.
1989-	Barz, Diane G.	District Judge, 13th Judicial District, 1979-1989.



JUSTICE HIRAM KNOWELS

Justice, Territorial Supreme Court, 1868-1879.  
Shown here as a Delegate to the 1889  
Constitutional Convention. (Photo courtesy of  
the Montana Historical Society)



CLERKS OF THE  
MONTANA SUPREME COURT  
1864 TO PRESENT

<u>TERM SERVED</u>	<u>CLERK OF COURT</u>
1865-1866	Torbet, A. W.
1886-1867	Hosmer, J. Allen
1867-1870	Peck, Lucius S.
1870-1887	Alden, Isaac R.
1887-1889	Word, Robert L.
1889-1892	Kennedy, William J.
1893-1899	Webster, Benjamin
1899-1905	Rickerts, Henry C.
1905-1915	Athey, J. T.
1915-1922	Carroll, John T.
1923-1924	Easton, Dana W.
1924-1935	Crosby, J. Ward
1935-1942	Porter, Arthur T.
1942-1942	Rigg, Peter T.
1942-1957	Murray, Frank
1957-1959	Hinman, Edna
1959-1982	Kearney, Thomas J.
1983-1988	Harrison, Ethel M.
1989-	Smith, Ed

## STATE LAW LIBRARIANS

1881 TO PRESENT

### TERM SERVED

### LAW LIBRARIAN

1881-1887	Alden, Isaac (ex-officio)
1887-1901	Guthrie, Lou
1902-1904	Crane, Oliver
1905-1937	Barbour, Ashburn
1937-1954	Clarke, Adeline
1954-1976	Orchard, Katherine
1976-1984	Engle, Clarie
1984-	Meadows, Judith



State Law Library, 1903  
Oliver T. Crane, Librarian  
(Photo courtesy of the Montana Historical Society)

## MONTANA DISTRICT JUDGES 1889-1989

### FIRST JUDICIAL DISTRICT

1889-1894	William H. Hunt	Associate Justice Montana Supreme Court, 1895-1900.
1890-1896	Horace R. Buck	Associate Justice Montana Supreme Court, 1897-1897.
1894-1896	Henry N. Blake	Associate Justice, Territorial Supreme Court, 1875-1885; Chief Justice of the Supreme Court, 1889-1893.
1896-1906	Henry C. Smith	Elected Associate Justice of Montana Supreme Court, 1906.
1896-1900	S. H. McIntyre	
1900-1917	James M. Clements	
1907-1909	Thomas C. Bach	Associate Justice, Territorial Supreme Court, 1886-1889.
1909-1917	J. Miller Smith	
1917-1920	R. Lee Word	Clerk of the Montana Territorial Supreme Court, 1887-1889; Associate Justice, Montana Supreme Court, 1900-1901.
1917-1934	W. H. Poorman	Died in office August 28, 1934
1921-1952	A. J. Horsky	
1934-1934	William T. Pigott	Associate Justice, Montana Supreme Court, 1897-1903, 1918-1918. Appointed to replace Judge Poorman until a successor was elected and qualified. Resigned December 3, 1934.
1934-1956	George W. Padbury, Jr.	Elected to fill the unexpired term of Judge Poorman, assumed office December 6, 1934.
1953-1970	Victor H. Fall	
1957-1970	Lester H. Loble	
1972-1982	Peter G. Meloy	
1971-1988	Gordon R. Bennett	
1983-1989	Henry Loble	Resigned
1985-	Thomas C. Honzel	
1989-	Jeffrey Sherlock	
1989-	Dorothy McCarter	Appointed to replace Henry Loble

### SECOND JUDICIAL DISTRICT

1889-1896	John J. McHatton	
1890-1893	William Y. Pemberton	Chief Justice, Montana Supreme Court, 1893-1899.
1894-1896	William O. Speer	
1896-1905	William Clancy	
1896-1900	John Lindsey	
1900-1905	E. W. Harney	

1900-1907	John B. McClernan	
1905-1909	George M. Bourquin	
1905-1917	Michael Dolan	
1907-1932	Jeremiah J. Lynch	
1909-1918	J. B. McClernan	Died in office.
1917-1919	John V. Dwyer	
1918-1920	Edwin M. Lamb	
1919-1924	Joseph R. Jackson	
1921-1932	Wm. E. Carroll	
1924-1928	George Bourquin	
1929-1936	Frank L. Riley	Contest for office of District Judge between Jeremiah L. Lynch and Frank Riley.
1932-1964	T. E. Downey	
1936-1948	Jeremiah J. Lynch	Retired - served a total of 37 years.
1948-1975	John B. McClernan	Retired
1965-1980	James D. Freebourn	Retired
1975-	Arnold H. Olsen	Appointed to replace John B. McClernan; Attorney General, 1948-1956; U. S. House of Representatives, 1960-1969.
1980-	Mark P. Sullivan	Appointed to replace James D. Freebourn

### THIRD JUDICIAL DISTRICT

1889-1893	David M. Durfee	
1894-1898	Theodore Brantley	Chief Justice of the Montana Supreme Court 1898.
1898-1905	Wellington Napton	
1905-1932	George B. Winston	
1932-1943	R. E. McHugh	
1943-1958	William R. Taylor	
1958-1972	Sid G. Stewart	Appointed to succeed William R. Taylor who resigned.
1973-1987	Robert J. Boyd	Resigned
1987-	Ted L. Mizner	Appointed to replace Robert J. Boyd

### FOURTH JUDICIAL DISTRICT

1889-1893	C. S. Marshall	
1894-1900	Frank H. Woody	
1900-1913	F. C. Webster	
1907-1911	Henry L. Myers	U. S. Senate, 1916; Associate Justice, Montana Supreme Court, 1927-1929.
1911-1921	R. Lee McCullough	Died in Office.

1913-1936	Asa L. Duncan	
1913-1915	John E. Patterson	
1915-1935	Theodore Lentz	Died in office, December 6, 1935.
1921-1932	James M. Self	
1935-1956	Albert Besancon	Appointed the fill the unexpired term of Theodore Lentz, December 15, 1934.
1936-1939	Ralph L. Arnold	Appointed Associate Justice of the Supreme Court to replace S. V. Stewart, who died in office.
1939-1960	C. E. Comer	Appointed October 3, 1939, to fill the unexpired term of Ralph L. Arnold.
1957-1960	Wm. F. Schallenberger	
1960-1981	Emmet Glore	
1960-1979	E. Gardner Brownlee	Retired.
1972-1978	Edward T. Dussault	Retired.
1963-	Jack L. Green	
1978-1989	James B. Wheelis	Appointed to replace Edward T. Dussault.
1979-	John S. Henson	Appointed to replace E. Gardner Brownlee.
1981-	Douglas G. Harkin	
1989-	Ed McLean	Appointed to replace James B. Wheelis who resigned.

## FIFTH JUDICIAL DISTRICT

1889-1893	Thomas J. Galbraith	
1894-1896	Frank Showers	
1896-1905	Montgomery H. Parker	
1905-1913	Llewellyn L. Callaway	Chief Justice, Montana Supreme Court, 1922-1935.
1909-1915	Joseph B. Poindexter	Appointed Attorney General, 1915.
1913-1921	W. A. Clark	Died in office.
1916-1924	Joseph C. Smith	
1921-1936	Lyman Bennett	
1925-1931	Henry G. Rodgers	Resigned October 1, 1931.
1936-1942	Henry G. Rodgers	
1942-1952	Lyman H. Bennett	
1953-1969	Philip C. Duncan	
1969-1970	Frank M. Davis	Appointed to replace Philip C. Duncan.
1971-1982	Frank E. Blair	
1983-	Frank M. Davis	

## SIXTH JUDICIAL DISTRICT

1889-1912	Frank Henry	Died in Office.
1912-1913	James F. O'Conner	
1913-1922	Albert P. Stark	Elected Associated Justice, Montana Supreme Court.
1922-1928	Hugh J. Miller	
1929-1956	Benjamin E. Berg	
1957-1964	George J. Allen	
1965-1982	Jack D. Shanstrom	
1983-	Byron L. Robb	

## SEVENTH JUDICIAL DISTRICT

1889-1896	George R. Milburn	Associate Justice, Montana Supreme Court, 1901-1907.
1896-1909	Charles H. Loud	
1909-1913	Sydney Sanner	Associate Justice, Montana Supreme Court, 1913-1918.
1913-1920	C. C. Hurley	
1921-1943	Frank P. Leiper	
1943-1960	F. S. P. Foss	
1960-1982	L. C. Gulbrandson	Elected Supreme Court Justice 1982.
1983-1987	Russell C. McDonough	Appointed Justice of the Supreme Court to succeed Frank B. Morrison who resigned; Delegate Montana Constitutional Convention, 1972.
1985-	H. R. Obert	
1987-	Dale Cox	Appointed to replace R. C. McDonough

## EIGHTH JUDICIAL DISTRICT

1889-1896	Charles H. Benton	
1896-1925	Jere B. Leslie	Died in Office.
1909-1948	Harry H. Ewing	Retired - Served 40 Years.
1925-1926	Stephen J. Cowley	Appointed to replace Jere B. Leslie.
1927-1936	Wellington H. Meigs	
1936-1960	Clifford F. Holt	
1948-1956	J. W. Spear	Appointed July 13, 1948, to succeed Henry H. Ewing.
1957-1976	Robert J. Nelson	
1960-1961	H. B. Hoffman	
1961-1964	R. V. Bottomly	
1961-1976	Paul Hatfield	Elected Chief Justice of the Supreme Court.

1965-1978	Truman G. Bradford	Retired.
1977-	Joel G. Roth	
1977-1983	H. William Coder	Resigned.
1979-	John M. McCarvel	Appointed to succeed Truman Bradford.
1983-	Thomas M. McKittrick	Appointed to succeed H. William Coder

## NINTH JUDICIAL DISTRICT

1890-1900	Frank K. Armstrong	
1900-1901	William L. Holloway	Associated Justice, Montana Supreme Court, 1903-1926.
1901-1913	W. R. C. Stewart	
1913-1932	Ben B. Law	
1932-1957	R. M. Hattersley	Died in Office.
1957-1962	W. M. Black	Appointed November 29, 1957, to succeed R. M. Hattersley.
1963-	Ronald D. McPhillips	

## TENTH JUDICIAL DISTRICT

1890-1900	Dudley DuBose	
1900-1913	E. K. Cheadle	
1913-1922	Roy E. Ayres	U. S. House of Representatives, 1931-1935; Governor, 1936-1940.
1918-1918	H. L. DeKalb	
1918-1921	Jack Briscoe	
1921-1924	Rudolph Von Tobel	
1922-1933	John C. Huntoon	
1925-1934	Edgar J. Baker	Died in office September 27, 1934.
1934-1934	J. E. McKenna	Appointed October 1, 1934, to serve until the election and qualification of his successor. Served until December 16, 1934.
1934-1956	Stewart McConochie	Elected to serve the unexpired term of Edgar J. Baker. Assumed the office December 16, 1934. Died in Office.
1956-1982	LeRoy McKinnon	Appointed June 29, 1956, to succeed Stewart McConochie.
1983-	Peter L. Rapkoch	

## ELEVENTH JUDICIAL DISTRICT

1895-1896	Charles W. Pomeroy	
1896-1905	D. E. Smith	
1905-1915	John E. Erickson	Governor, 1924-1936.
1915-1920	T. A. Thompson	
1920-1921	B. F. Maiden	
1921-1932	Charles W. Pomeroy	
1932-1941	J. E. Rockwood	
1941-1958	Dean King	
1959-1967	Eugene Foot	
1959-1967	Frank I. Haswell	Appointed Associate Justice of the Supreme Court, August 1, 1967, to succeed Stanley M. Doyle who retired.
1967-1982	Robert C. Sykes	
1968-1976	Robert Keller	Resigned.
1976-1985	James M. Salansky	Appointed to succeed Robert S. Keller.
1983-	Michael H. Keedy	
1985-	Leif Erickson	Appointed to succeed James M. Salansky.

## TWELFTH JUDICIAL DISTRICT

1900-1926	John W. Tattan	Died in office.
1911-1915	Frank N. Utter	Second Judge added Ch 74 laws 1911. Boundaries of the 12th J. D. changed by Sec 2, Ch 144, Laws 1915.
1927-1929	Charles S. Hartman	Appointed to replace John W. Tattan. Died in Office. Constitutional Convention Delegate, 1889; United States House of Representatives, 1892-1898.
1929-1932	F. E. Stranahan	
1932-1967	Charles B. Elwell	
1968-1982	Bernard W. Thomas	
1983-1988	Chan Ettien	
1989-	John Warner	

## THIRTEENTH JUDICIAL DISTRICT

1907-1913	Sydney Fox
1911-1917	George W. Pierson
1913-1915	Charles L. Crum



1915-1924	A. C. Spencer	
1917-1920	Charles A. Taylor	
1921-1936	Robert S. Strong	
1925-1936	O. F. Goddard	Constitutional Convention Delegate, 1889. Appointed to succeed Walter B. Sands as Chief Justice of the Montana Supreme Court, served 1938-1939.
1936-1960	Ben Harwood	
1936-1967	Guy C. Derry	
1955-1969	E. E. Fenton	Appointed April 19, 1955, when 3rd judge added to district.
1960-1979	Charles B. Sande	
1968-1986	Charles Luedke	
1969-1984	Robert H. Wilson	Appointed August, 1969.
1979-1989	Diane G. Barz	Appointed Supreme Court Justice to succeed L. C. Gulbandson. First woman District Judge and Supreme Court Justice in the State of Montana.
1979-	William G. Speare	Appointed to succeed Charles B. Sande.
1984-	Robert W. Holmstrom	Appointed to succeed Robert H. Wilson.
1985-	G. Todd Baugh	
1986-	Russell Fillner	Appointed to succeed Charles Luedke
1989-	Maurice R. Colberg	Appointed to succeed Diane G. Barz.

#### FOURTEENTH JUDICIAL DISTRICT

1913-1919	John A. Matthews	Associate Justice, Montana Supreme Court, 1919-1920 and from 1925-1937.
1919-1920	Edward H. Goodman	
1921-1940	W. L. Ford	Died in Office.
1940-1944	W. C. Husband	Appointed February 3, 1940, to fill the unexpired term of W. L. Ford. Died in office March 1, 1944.
1944-1944	Norman R. Barncord	Appointed March 22, 1944, to fill the unexpired term of W. C. Husband.
1944-1960	F. V. Watts	
1960-1982	Nat Allen	
1983-	Roy C. Rodeghiero	

#### FIFTEENTH JUDICIAL DISTRICT

1915-1918	Charles L. Crum	Impeached March 22, 1918.
1918-1920	George P. Jones	

1921-1924	George A. Horkan	
1925-1932	G. J. Jeffries	
1932-1937	Sprurgeon E. Paul	
1938-1943	Vernon Hoven	Appointed to fill the unexpired term of Sprurgeon E. Paul, who resigned.
1943-1944	David N. Nyquist	Appointed May 29, 1943, to fill the temporary vacancy occasioned by entry of Honorable Vernon Haven into the Military service.
1944-1948	Vernon Hoven	
1949-1952	David N. Nyquist	
1953-1969	Jack R. Loucks	
1969-	M. James Sorte	Appointed August 1, 1969.

#### SIXTEENTH JUDICIAL DISTRICT

1915-1920	Daniel L. O'Hern	
1919-1920	Charles J. Dousman	
1921-1965	S. D. McKinnon	Died in office April 13, 1965. Served 44 years.
1921-1936	Stanley E. Felt	
1936-1944	Rudolph Nelstead	
1944-1967	Walter R. Flachsenhar	
1065-1988	Arthur Martin	Appointed April 22, 1965, to succeed S. D. McKinnon.
1968-1988	Alfred B. Coate	
1989-	Kenneth R. Wilson	
1989-	Joe L. Hagel	

#### SEVENTEENTH JUDICIAL DISTRICT

1915-1917	Frank N. Utter	District Judge, 12th Judicial District,. 1911-1915
1917-1919	John Hurley	
1919-1920	H. C. Hall	
1921-1928	Carl D. Borton	
1929-1948	John Hurly	Died in Office.
1949-1962	James T. Shea	Appointed January 3, 1949, to succeed John Hurly. Died in Office May 7, 1962.
1962-1976	Thomas Dignan	Appointed May 14, 1962, to succeed James T. Shea.
1977-	Leonard H. Langen	

## EIGHTEENTH JUDICIAL DISTRICT

1917-1919	W. B. Rhodes	
1919-1920	Frank E. Carleton	
1921-1928	Charles A. Rose	
1929-1932	Charles B. Elwell	
1947-1948	H. A. Bollinger	Appointed March 22, 1947.
1949-1982	W. W. Lessley	Retired December 31, 1982. Appointed Chief Water Judge in 1983 and served in that capacity until his death March 29, 1990.
1979-1989	Joseph B. Gary	Retired.
1983-	Thomas A. Olson	
1989-	Larry Moran	Appointed to succeed Joseph B. Gary.

## NINETEENTH JUDICIAL DISTRICT

1920-1928	John J. Greene	
1929-1932	R. M. Hattersley	
1977-1988	Robert M. Holter	Resigned District Judge position to accept appointment as Federal Magistrate
1988-	Robert S. Keller	Appointed to succeed Robert M. Holter

## TWENTIETH JUDICIAL DISTRICT

1919-1924	C. E. Comer	
1925-1932	Spurgeon E. Paul	
1985-	C. B. McNeil	Constitutional Convention Delegate, 1972.

## COURT COMMISSIONERS

The 1903 Legislature provided for the appointment by the Supreme Court, of a three member Court Commission "of legal learning and personal worth" to assist the Court -- at a salary of \$4,000 per year for Commissioners. The term of office for the Court Commission was four years, during which time the Commissioners where prohibited from engaging in the practice of law. When the 1905 Legislature failed to provide an appropriation for the Commissioner's salaries, they all resigned.

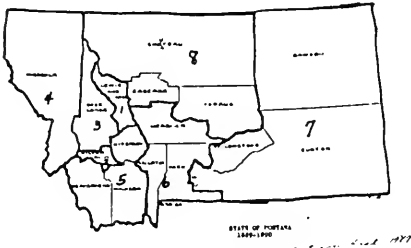
1903-1905	John B. Clayberg
1903-1904	Lew L. Callaway
1903-1905	H. Poorman
1905-1905	Henry N. Blake

The 1921 Legislature approved a second Court Commission and directed the Supreme Court to appoint "from among the duly elected, qualified and acting District Judges of the State of Montana, from any of the various counties or districts three of such judges to act for such period of time as may be designated in the order appointment as Commissioners of the Supreme Court".

1921-1922	Hon. Wm. H. Poorman, 1st Judicial District
1921-1922	Hon. A. C. Spencer, 13th Judicial District
1921-1922	Hon. Joseph R. Jackson, 2nd Judicial District
1922-1923	Hon. Albert P. Stark, 6th Judicial District
1922-1923	Hon. Roy E. Ayers, 10th Judicial District
1922-1923	Hon. A. J. Horsky, 1st Judicial District
1922-1923	Hon. Charles W. Pomeroy, 11th Judicial District
1922-1923	Hon. Cloyd E. Comer, 12th Judicial District
1922-1923	Hon. Theodore Lentz, 4th Judicial District
1922-1923	Hon. William L. Ford, 14th Judicial District
1922-1923	Hon. Frank P. Leiper, 7th Judicial District
1923-1923	Hon. Carl D. Borton, 17th Judicial District
1923-1923	Hon. Ben B. Law, 9th Judicial District
1923-1923	Hon. Stanley E. Felt, 16th Judicial District
1923-1923	Hon. Lyman H. Bennett, 5th Judicial District
1923-1923	Hon. Charles A. Rose, 18th Judicial District

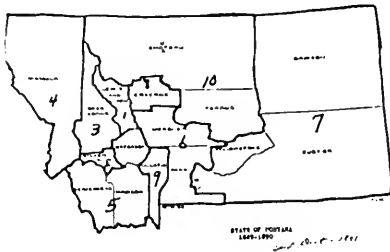
## JUDICIAL DISTRICTS 1889 - 1989

The 1898 Constitution established eight Judicial Districts. Each Judicial District encompassed one or more of Montana's sixteen counties and each District was allotted one judge. The Districts established by the Constitution in 1889 were:



1889	1st	Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge
	4th	Missoula
	5th	Beaverhead, Jefferson and Madison
	6th	Gallatin, Park and Meagher
	7th	Yellowstone, Custer and Dawson
	8th	Chouteau, Cascade and Fergus

The Constitution also authorized the Legislature to increase or decrease the number of districts and judgeships and in 1891 the Legislature created the 9th and 10th Judicial District and established a second seat in the 1st and 2nd Judicial Districts.



1891	1st	Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge
	4th	Missoula
	5th	Beaverhead, Jefferson and Madison
	6th	Park and Meagher
	7th	Yellowstone, Custer and Dawson
	8th	Cascade
	9th	Gallatin
	10th	Chouteau and Fergus

In 1893, five new counties were created: Granite County was added to the 3rd Judicial District; Ravalli County was added to the 4th Judicial District; and Flathead, Teton, Valley and Fergus Counties became part of the 10th Judicial District.

1893	1st	Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge and Granite
	4th	Missoula and Ravalli
	5th	Beaverhead, Jefferson and Madison
	6th	Park and Meagher
	7th	Yellowstone, Custer and Dawson
	8th	Cascade
	9th	Gallatin
	10th	Flathead, Teton, Chouteau, Valley and Fergus

Carbon and Sweet Grass Counties were established in 1895, and were assigned to the 6th Judicial District. Meagher County was moved

from the 6th Judicial District and made part of the 9th Judicial District. Chouteau, Valley and Fergus county became the 10th Judicial District and the 12th Judicial District was established and was made up of Flathead and Teton Counties.

Powell and Rosebud Counties were established in 1901, and Powell County became part of the 3rd Judicial District while Rosebud County was attached to the 7th Judicial District. In 1901 the Legislature passed a law changing the name of Deer Lodge County to Daly County. However, the Supreme Court held that such a law was special legislation and was prohibited by the Montana Constitution. The Legislature also established the 12th Judicial District which was composed of Chouteau and Valley Counties and Fergus County became the 10th Judicial District. A third judgeship was established in the 2nd Judicial District

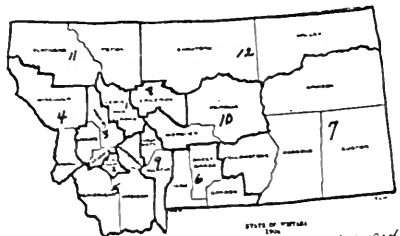
1901	1st	Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge, Powell and Granite
	4th	Missoula and Ravalli
	5th	Beaverhead, Jefferson and Madison
	6th	Park, Carbon and Sweet Grass
	7th	Yellowstone, Custer, Dawson and Rosebud
	8th	Cascade
	9th	Gallatin, Broadwater and Meagher
	10th	Fergus
	11th	Flathead and Teton
	12th	Chouteau and Valley

1895	1st	Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge and Granite
	4th	Missoula and Ravalli
	5th	Beaverhead, Jefferson and Madison
	6th	Park, Carbon and Sweet Grass
	7th	Yellowstone, Custer and Dawson
	8th	Cascade
	9th	Gallatin and Meagher
	10th	Chouteau, Valley and Fergus
	11th	Flathead and Teton

In 1897 Broadwater County was established and became part of the 9th Judicial District.

1897	1st	Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge, and Granite
	4th	Missoula and Ravalli
	5th	Beaverhead, Jefferson and Madison
	6th	Park, Carbon and Sweet Grass
	7th	Yellowstone, Custer and Dawson
	8th	Cascade
	9th	Gallatin, Broadwater and Meagher
	10th	Chouteau, Valley and Fergus
	11th	Flathead and Teton

In 1904 the Legislature moved Meagher County from the 9th Judicial District to the 10th Judicial District.



1904	1st	Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge, Powell and Granite
	4th	Missoula and Ravalli
	5th	Beaverhead, Jefferson and Madison
	6th	Park, Carbon and Sweet Grass
	7th	Yellowstone, Custer, Dawson and Rosebud
	8th	Cascade
	9th	Gallatin and Broadwater
	10th	Fergus and Meagher
	11th	Flathead and Teton
	12th	Chouteau and Valley

In 1905 Sanders County was established and added to the 4th Judicial District.

1905	1st	Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge, Powell and Granite
	4th	Missoula, Ravalli and Sanders
	5th	Beaverhead, Jefferson and Madison
	6th	Park, Carbon and Sweet Grass
	7th	Yellowstone, Custer, Dawson and Rosebud
	8th	Cascade
	9th	Gallatin and Broadwater
	10th	Fergus and Meagher
	11th	Flathead and Teton
	12th	Chouteau and Valley

In 1907 the 13th Judicial District was created and Carbon County was added to the new district and removed from the 6th Judicial District. Rosebud and Yellowstone Counties were removed from the 7th Judicial District and added to the 13th Judicial District. A second judgeship was established in the 4th Judicial District.

1907	1st	Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge, Powell and Granite
	4th	Missoula, Ravalli and Sanders
	5th	Beaverhead, Jefferson and Madison

6th	Park and Sweet Grass
7th	Custer and Dawson
8th	Cascade
9th	Gallatin and Broadwater
10th	Fergus and Meagher
11th	Flathead and Teton
12th	Chouteau and Valley
13th	Carbon, Rosebud and Yellowstone

Teton County was added to the 8th Judicial District in 1909 and removed from the 11th Judicial District. The 11th Judicial District then represented only Flathead County. A new judgeship was established in the 5th Judicial District. A new seat in the 8th Judicial District was also established.

1909	1st	Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge, Powell and Granite
	4th	Missoula, Ravalli and Sanders
	5th	Beaverhead, Jefferson and Madison
	6th	Park and Sweet Grass
	7th	Custer and Dawson
	8th	Cascade and Teton
	9th	Gallatin and Broadwater
	10th	Fergus and Meagher
	11th	Flathead
	12th	Chouteau and Valley
	13th	Carbon, Rosebud and Yellowstone

In 1909 Lincoln County was established and became part of the 11th Judicial District and in 1911 Musselshell County was established and became part of the 13th Judicial District. A second District Judge was authorized for the 13th Judicial District.



1911	1st	Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge, Powell and Granite
	4th	Missoula, Ravalli and Sanders
	5th	Beaverhead, Jefferson and Madison
	6th	Park and Sweet Grass
	7th	Custer and Dawson
	8th	Cascade and Teton
	9th	Gallatin and Broadwater
	10th	Fergus and Meagher
	11th	Flathead and Lincoln
	12th	Blaine, Chouteau, Hill and Valley
	13th	Carbon, Musselshell, Rosebud and Yellowstone

Blaine and Hill Counties were established in 1912 and both counties were attached to the 12th Judicial district. In 1913 Big Horn, Fallon, Sheridan and Stillwater Counties were established. Big Horn County became part of the 13th Judicial District while Sheridan County became a part of the 12th Judicial District and Stillwater County was attached to the 6th Judicial District. Fallon County became a part of the 7th Judicial District in 1914. A third district judge was established in the 4th Judicial District.



1913	1st	Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge, Powell and Granite
	4th	Missoula, Ravalli and Sanders
	5th	Beaverhead, Jefferson and Madison
	6th	Park, Stillwater and Sweet Grass
	7th	Custer, Dawson and Richland
	8th	Cascade, Teton and Toole
	9th	Gallatin
	10th	Fergus
	11th	Flathead and Lincoln
	12th	Blaine, Chouteau, Hill, Sheridan and Valley
	13th	Carbon, Musselshell, Rosebud, Yellowstone and Big Horn
	14th	Meagher and Broadwater

Mineral, Richland, Toole and Wibaux Counties were established in 1914 and Mineral County was attached to the 4th Judicial District while Richland, Wibaux and Fallon Counties became part of the 7th Judicial District. Toole County was assigned to the 8th Judicial District.

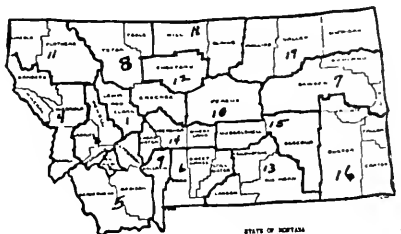
1914	1st	Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge, Powell and Granite
	4th	Mineral, Missoula, Ravalli and Sanders



- 5th Beaverhead, Jefferson and Madison
- 6th Park, Stillwater and Sweet Grass
- 7th Custer, Dawson, Fallon, Richland and Wibaux
- 8th Cascade, Teton and Toole
- 9th Gallatin
- 10th Fergus
- 11th Flathead and Lincoln
- 12th Blaine, Chouteau, Hill, Sheridan and Valley
- 13th Carbon, Musselshell, Rosebud, Yellowstone and Big Horn
- 14th Meagher and Broadwater

- 16th Custer, Fallon and Prairie
- 17th Phillips, Valley and Sheridan

The only changes in the Judicial District in 1917 was the establishment of two new counties, Wheatland County which was added to the 14th Judicial district and Carter County which became part of the 16th Judicial District, and the establishment of a second judgeship in the 10th Judicial District.



In 1915 Phillips and Prairie Counties were established and the Legislature also created the 15th, 16th and 17th Judicial Districts. Custer and Fallon Counties were removed from the 7th Judicial District and became part of the new 16th Judicial District with Prairie County. Sheridan and Valley Counties were removed from the 12th Judicial District and became a part of the new 17th Judicial District which also included Phillips County. Rosebud and Musselshell Counties became the new 15th Judicial District and were removed from the 13th Judicial District. A second judgeship was created for the 15th Judicial District.

- 1915 1st Lewis and Clark
- 2nd Silver Bow
- 3rd Deer Lodge, Powell and Granite
- 4th Mineral, Missoula, Ravalli and Sanders
- 5th Beaverhead, Jefferson and Madison
- 6th Park, Stillwater and Sweet Grass
- 7th Dawson, Richland and Wibaux
- 8th Cascade, Teton and Toole
- 9th Gallatin
- 10th Fergus
- 11th Flathead and Lincoln
- 12th Blaine, Chouteau and Hill
- 13th Carbon, Big Horn and Yellowstone
- 14th Meagher and Broadwater
- 15th Rosebud and Musselshell

- 1917 1st Lewis and Clark
- 2nd Silver Bow
- 3rd Deer Lodge, Powell and Granite
- 4th Mineral, Missoula, Ravalli and Sanders
- 5th Beaverhead, Jefferson and Madison
- 6th Park, Stillwater and Sweet Grass
- 7th Dawson, Richland and Wibaux
- 8th Cascade, Teton and Toole
- 9th Gallatin
- 10th Fergus
- 11th Flathead and Lincoln
- 12th Chouteau
- 13th Carbon, Big Horn and Yellowstone
- 14th Meagher, Broadwater and Wheatland
- 15th Rosebud and Musselshell

- 16th Custer, Fallon, Prairie and Carter
- 17th Phillips, Valley and Sheridan
- 18th Blaine and Hill

In 1919 seven new counties were organized and two additional Judicial District were created. McCone County was added to the 7th Judicial District, Treasure County became part of the 15th Judicial District while Powder River and Garfield Counties were attached to the 16th Judicial District. Teton and Toole Counties were removed from the 8th Judicial District and together with Glacier and Ponders formed the newly created 19th Judicial District. Sheridan County removed from the 17th Judicial District and combined with Roosevelt County, became the new 20th Judicial District.

- |      |      |  |
|------|------|--|
| 1919 | 1st  | Lewis and Clark  |
|      | 2nd  | Silver Bow   |
|      | 3rd  | Deer Lodge, Powell and Granite                             |
|      | 4th  | Mineral, Missoula, Ravalli and Sanders                     |
|      | 5th  | Beaverhead, Jefferson and Madison                          |
|      | 6th  | Park, Stillwater and Sweet Grass                           |
|      | 7th  | Dawson, Richland, Wibaux and McCone                        |
|      | 8th  | Cascade  |
|      | 9th  | Gallatin   |
|      | 10th | Fergus   |
|      | 11th | Flathead and Lincoln                                       |
|      | 12th | Chouteau   |
|      | 13th | Carbon, Big Horn and Yellowstone                           |
|      | 14th | Meagher, Broadwater and Wheatland                          |
|      | 15th | Rosebud, Musselshell and Treasure                          |
|      | 16th | Custer, Fallon, Prairie, Carter, Powder River and Garfield |
|      | 17th | Phillips and Valley  |
|      | 18th | Blaine, Hill and Liberty                                   |
|      | 19th | Glacier, Pondera, Teton and Toole                          |
|      | 20th | Roosevelt and Sheridan                                     |

Daniels, Golden Valley, Judith Basin and Liberty Counties were organized in 1920. Golden Valley

County was added to the 15th Judicial District, Liberty County was added to the 18th Judicial District and Daniels County became part of the 20th Judicial District. Judith Basin County was added to the 10th Judicial District in 1921.

- |      |      |  |
|------|------|--|
| 1920 | 1st  | Lewis and Clark  |
|      | 2nd  | Silver Bow   |
|      | 3rd  | Deer Lodge, Powell and Granite                             |
|      | 4th  | Mineral, Missoula, Ravalli and Sanders                     |
|      | 5th  | Beaverhead, Jefferson and Madison                          |
|      | 6th  | Park, Stillwater and Sweet Grass                           |
|      | 7th  | Dawson, Richland, Wibaux and McCone                        |
|      | 8th  | Cascade  |
|      | 9th  | Gallatin   |
|      | 10th | Fergus   |
|      | 11th | Flathead and Lincoln                                       |
|      | 12th | Chouteau   |
|      | 13th | Carbon, Big Horn and Yellowstone                           |
|      | 14th | Meagher, Broadwater and Wheatland                          |
|      | 15th | Golden Valley, Rosebud, Musselshell and Treasure           |
|      | 16th | Custer, Fallon, Prairie, Carter, Powder River and Garfield |
|      | 17th | Phillips and Valley  |
|      | 18th | Blaine, Hill and Liberty                                   |
|      | 19th | Glacier, Pondera, Teton and Toole                          |
|      | 20th | Daniels, Roosevelt and Sheridan                            |

The only change in the judicial districts in 1921 was the addition of Judith Basin County to the 10th Judicial District.

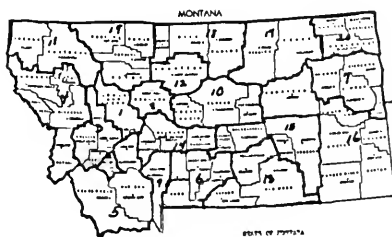
1921	1st	Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge, Powell and Granite
	4th	Mineral, Missoula, Ravalli and Sanders
	5th	Beaverhead, Jefferson and Madison
	6th	Park, Stillwater and Sweet Grass
	7th	Dawson, Richland, Wibaux and McCone
	8th	Cascade
	9th	Gallatin
	10th	Judith Basin and Fergus
	11th	Flathead and Lincoln
	12th	Chouteau
	13th	Carbon, Big Horn and Yellowstone
	14th	Meagher, Broadwater and Wheatland
	15th	Golden Valley, Rosebud, Musselshell and Treasure
	16th	Custer, Fallon, Prairie, Carter, Powder River and Garfield
	17th	Phillips and Valley
	18th	Blaine, Hill and Liberty
	19th	Glacier, Pondera, Teton and Toole
	20th	Daniels, Roosevelt and Sheridan

In 1923 Lake County was organized and became part of the 4th Judicial District.

1923	1st	Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge, Powell and Granite
	4th	Lake, Mineral, Missoula, Ravalli and Sanders
	5th	Beaverhead, Jefferson and Madison
	6th	Park, Stillwater and Sweet Grass
	7th	Dawson, Richland, Wibaux and McCone
	8th	Cascade
	9th	Gallatin
	10th	Judith Basin and Fergus
	11th	Flathead and Lincoln
	12th	Chouteau
	13th	Carbon, Big Horn and Yellowstone

14th	Meagher, Broadwater and Wheatland
15th	Golden Valley, Rosebud, Musselshell and Treasure
16th	Custer, Fallon, Prairie, Carter, Powder River and Garfield
17th	Phillips and Valley
18th	Blaine, Hill and Liberty
19th	Glacier, Pondera, Teton and Toole
20th	Daniels, Roosevelt and Sheridan

Petroleum County, the last county to be organized in the State of Montana became part of the 10th Judicial District.

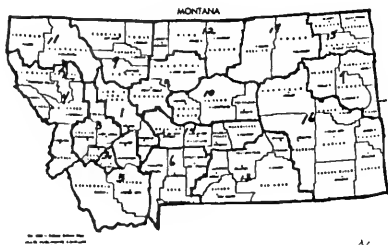


1925	1st	Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge, Powell and Granite
	4th	Lake, Mineral, Missoula, Ravalli and Sanders
	5th	Beaverhead, Jefferson and Madison
	6th	Park, Stillwater and Sweet Grass
	7th	Dawson, Richland, Wibaux and McCone
	8th	Cascade

9th Gallatin  
 10th Fergus, Judith Basin and Petroleum  
 11th Flathead and Lincoln  
 12th Chouteau  
 13th Carbon, Big Horn and Yellowstone  
 14th Meagher, Broadwater and Wheatland  
 15th Golden Valley, Rosebud, Musselshell and Treasure  
 16th Custer, Fallon, Prairie, Carter, Powder River and Garfield  
 17th Phillips and Valley  
 18th Blaine, Hill and Liberty  
 19th Glacier, Pondera, Teton and Toole  
 20th Daniels, Roosevelt and Sheridan

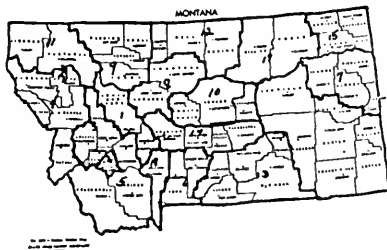
2nd Silver Bow  
 3rd Deer Lodge, Granite and Powell  
 4th Lake, Mineral, Missoula, Ravalli and Sanders  
 5th Beaverhead, Jefferson and Madison  
 6th Gallatin, Park and Sweet Grass  
 7th Dawson, McCone, Richland and Wibaux  
 8th Cascade and Chouteau  
 9th Glacier, Pondera, Teton and Toole  
 10th Fergus, Judith Basin and Petroleum  
 11th Flathead and Lincoln  
 12th Blaine, Hill and Liberty  
 13th Big Horn, Carbon, Stillwater, Treasure, and Yellowstone  
 14th Golden Valley, Meagher, Musselshell and Wheatland  
 15th Daniels, Roosevelt, and Sheridan  
 16th Carter, Custer, Fallon, Garfield, Powder River, Prairie and Rosebud  
 17th Phillips and Valley

The Montana land boom of the 1910's went bust by 1921. Many counties lost population as fast as they gained it. As a result of economic depression and decreases in population accompanied by reduced judicial caseloads the 1929 Legislature commissioned a special committee to study the "business transacted by the several District Court of the State." As a result of the study, the Legislature completely reorganized several judicial districts and eliminated three districts and seven judges. These changes enacted became effective on January 1, 1933.



1933 1st Broadwater and Lewis and Clark

The Legislature of 1947 removed Gallatin County from the 6th Judicial District and created the 18th Judicial District with Gallatin County as the district.



1947	1st	Broadwater and Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge, Granite and Powell
	4th	Lake, Mineral, Missoula, Ravalli and Sanders
	5th	Beaverhead, Jefferson and Madison
	6th	Park and Sweet Grass
	7th	Dawson, McCone, Richland and Wibaux
	8th	Cascade and Chouteau
	9th	Glacier, Pondera, Teton and Toole
	10th	Fergus, Judith Basin and Petroleum
	11th	Flathead and Lincoln
	12th	Blaine, Hill and Liberty
	13th	Big Horn, Carbon, Stillwater, Treasure, and Yellowstone
	14th	Golden Valley, Meagher, Musselshell and Wheatland
	15th	Daniels, Roosevelt, and Sheridan
	16th	Carter, Custer, Fallon, Garfield, Powder River, Prairie and Rosebud
	17th	Phillips and Valley
	18th	Gallatin

In 1955 the Legislature created the third district judge position in the 13th Judicial district.

A second judgeship was created in the 11th Judicial District by the 1957 Legislature. This seat was to be filled by appointment of the Governor before July 1, 1957 and the person appointed would hold office until his successor was elected during the year 1958. The elected judge would hold office until his successor had been elected and qualified at the presidential general election held during the year 1960.

The 1959 Legislature created a third judgeship in the 8th Judicial District which seat was to be nominated and elected at the 1960 primary and general election.

The 1963 Legislature created a third judgeship in the 4th Judicial District which was filled by appointment by the Governor and the appointee was to hold office until his successor was elected and qualified at the elections held during the year 1964.

The 1977 Legislature authorized a fourth district Judge 13th Judicial District and a second judgeship in the 18th Judicial District. The 1977 Legislature also established the 19th Judicial District by removing Lincoln County from the 11th Judicial District making both Lincoln and Flathead single county judicial districts. The judgeships created in existing districts were to be elected at the general election held in 1978, while the judgeship in the newly created 19th Judicial District was initially appointed by the Governor.



1977	1st	Broadwater and Lewis and Clark
	2nd	Silver Bow
	3rd	Deer Lodge, Granite and Powell
	4th	Lake, Mineral, Missoula, Ravalli and Sanders
	5th	Beaverhead, Jefferson and Madison
	6th	Park and Sweet Grass
	7th	Dawson, McCone, Richland and Wibaux

- 8th Cascade and Chouteau
- 9th Glacier, Pondera, Teton and Toole
- 10th Fergus, Judith Basin and Petroleum
- 11th Flathead
- 12th Blaine, Hill and Liberty
- 13th Big Horn, Carbon, Stillwater, Treasure, and Yellowstone
- 14th Golden Valley, Meagher, Musselshell and Wheatland
- 15th Daniels, Roosevelt, and Sheridan
- 16th Carter, Custer, Fallon, Garfield, Powder River, Prairie and Rosebud
- 17th Phillips and Valley
- 18th Gallatin
- 19th Lincoln

The 1979 Legislature authorized a fourth district judge for the 4th Judicial District. This seat was initially filled at the 1980 general election and the judge elected took office on January 1, 1981. The principal office of the newly created judgeship was Lake County and the Chief Judge of the 4th Judicial district was given the authority to assign one judge to this seat.

In 1983 the Legislature created the 20th Judicial District by removing Lake and Sanders Counties from the 4th Judicial District. Prairie County was removed from the 16th Judicial District and added to the 7th Judicial District. Chouteau County was removed from the 8th Judicial District and became part of the 12th Judicial District. Treasure County was added to the 16th Judicial District and removed from the 13th Judicial District.

The Legislature also created additional judgeships in the 1st, 7th and 13th Judicial Districts. All changes became effective January 1, 1985. The judgeships created by the 1983 Legislature were initially filled at the 1984 general election and the judges elected were to take office on the first Monday of January, 1985. However, the Legislature provided that the seats could be filled at the 1983

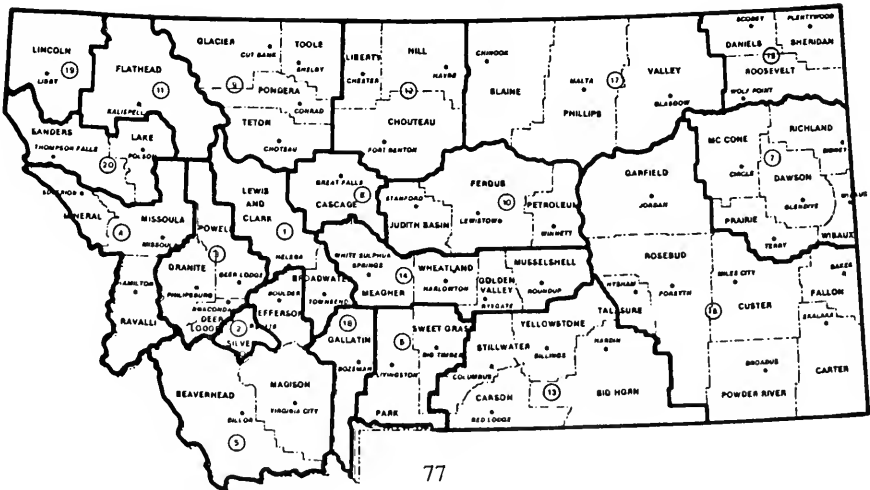
general election if a majority of the county commissioners in each county within the judicial district where the judge was to be elected agreed to conduct the election. If an election were conducted in 1983, the judge elected would take office on the first Monday of January, 1984.

- |      |      |  |
|------|------|--|
| 1985 | 1st  | Broadwater and Lewis and Clark                                       |
|      | 2nd  | Silver Bow   |
|      | 3rd  | Deer Lodge, Granite and Powell                                       |
|      | 4th  | Mineral, Missoula and Ravalli  |
|      | 5th  | Beaverhead, Jefferson and Madison                                    |
|      | 6th  | Park and Sweet Grass   |
|      | 7th  | Dawson, McCone, Prairie, Richland and Wibaux                         |
|      | 8th  | Cascade  |
|      | 9th  | Glacier, Pondera, Teton and Toole                                    |
|      | 10th | Fergus, Judith Basin and Petroleum                                   |
|      | 11th | Flathead   |
|      | 12th | Chouteau, Hill and Liberty   |
|      | 13th | Big Horn, Carbon, Stillwater, and Yellowstone                        |
|      | 14th | Golden Valley, Meagher, Musselshell and Wheatland                    |
|      | 15th | Daniels, Roosevelt and Sheridan                                      |
|      | 16th | Carter, Custer, Fallon, Garfield, Powder River, Rosebud and Treasure |
|      | 17th | Blaine, Phillips and Valley  |
|      | 18th | Gallatin   |
|      | 19th | Lincoln  |
|      | 20th | Lake and Sanders   |

## JUDICIAL DISTRICT BY COUNTY

Beaverhead	5	Granite	3	Powell	3
Big Horn	13	Hill	12	Prairie	7
Blaine	17	Jefferson	5	Ravalli	4
Broadwater	1	Judith Basin	10	Richland	7
Carbon	13	Lake	20	Roosevelt	15
Carter	16	Lewis and Clark	1	Rosebud	16
Cascade	8	Liberty	12	Sanders	20
Chouteau	12	Lincoln	19	Sheridan	15
Custer	16	McCone	7	Silver Bow	2
Daniels	15	Madison	5	Stillwater	13
Dawson	7	Meagher	14	Sweet Grass	6
Deer Lodge	3	Mineral	4	Teton	9
Fallon	16	Missoula	4	Toole	9
Fergus	10	Musselshell	14	Treasure	16
Flathead	11	Park	6	Valley	17
Gallatin	18	Petroleum	10	Wheatland	14
Garfield	16	Phillips	17	Wibaux	7
Glacier	9	Pondera	9	Yellowstone	13
Golden Valley	14	Powder River	16		

## MONTANA JUDICIAL DISTRICTS









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